

NAVAL WAR COLLEGE

International Law
Documents
1940

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INTERNATIONAL LAW
DOCUMENTS

1940



UNITED STATES
GOVERNMENT PRINTING OFFICE
WASHINGTON : 1942

PREFACE

The annual publication of the Naval War College on international law for 1940 has been prepared, as formerly since 1938, in collaboration with Payson Sibley Wild, Jr., Ph. D., professor of international law, Harvard University, and associate for international law, Naval War College.

Discussions by the Naval War College classes have given special attention to international law in its relation to the conduct of the war now in progress. Important and relevant documents concerning belligerents and neutrals also have been under consideration. Documents cited in this volume are among those discussed.

While certain of these documents are easily accessible, others have not yet appeared in any collection and are not readily available to naval officers.

E. C. KALBFUS,
Rear Admiral, United States Navy,
President, Naval War College.

AUGUST 30, 1941.

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I. Proclamations and Regulations Concerning Neutrality of the United States in the War Between Germany and Norway

(Dept. of State Bulletin, Vol. II, No. 44, April 27, 1940)

PROCLAMATION OF A STATE OF WAR BETWEEN GERMANY AND NORWAY

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A Proclamation

WHEREAS section 1 of the joint resolution of Congress approved November 4, 1939, provides in part as follows:

“That whenever the President, or the Congress by concurrent resolution, shall find that there exists a state of war between foreign states, and that it is necessary to promote the security or preserve the peace of the United States or to protect the lives of citizens of the United States, the President shall issue a proclamation naming the states involved; and he shall, from time to time, by proclamation, name other states as and when they may become involved in the war.”

AND WHEREAS it is further provided by section 13 of the said joint resolution that

“The President may, from time to time, promulgate such rules and regulations, not inconsistent with law as may be necessary and proper to carry out any of the provisions of this joint resolution; and he may exercise any power or authority conferred on him by this joint resolution through such officer or officers, or agency or agencies, as he shall direct.”

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, acting

under and by virtue of the authority conferred on me by the said joint resolution, do hereby proclaim that a state of war unhappily exists between Germany and Norway, and that it is necessary to promote the security and preserve the peace of the United States and to protect the lives of citizens of the United States.

And I do hereby enjoin upon all officers of the United States, charged with the execution of the laws thereof, the utmost diligence in preventing violations of the said joint resolution and in bringing to trial and punishment any offenders against the same.

And I do hereby delegate to the Secretary of State the power to exercise any power or authority conferred on me by the said joint resolution, as made effective by this my proclamation issued thereunder, which is not specifically delegated by Executive order to some other officer or agency of this Government, and the power to promulgate such rules and regulations not inconsistent with law as may be necessary and proper to carry out any of its provisions.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this 25th day
of April, in the year of our Lord nine-
[SEAL] teen hundred and forty, and of the In-
dependence of the United States of
America the one hundred and sixty-fourth.

FRANKLIN D. ROOSEVELT

By the President:

CORDELL HULL,

Secretary of State.

PROCLAIMING THE NEUTRALITY OF THE UNITED
STATES IN THE WAR BETWEEN GERMANY, ON THE
ONE HAND, AND NORWAY, ON THE OTHER HAND

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A Proclamation

WHEREAS a state of war unhappily exists between Germany, on the one hand, and Norway, on the other hand ;

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, in order to preserve the neutrality of the United States and of its citizens and of persons within its territory and jurisdiction, and to enforce its laws and treaties, and in order that all persons, being warned of the general tenor of the laws and treaties of the United States in this behalf, and of the law of nations, may thus be prevented from any violation of the same, do hereby declare and proclaim that all of the provisions of my proclamation of September 5, 1939, proclaiming the neutrality of the United States in a war between Germany and France ; Poland ; and the United Kingdom, India, Australia and New Zealand apply equally in respect to Norway.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this 25th day of April, in the year of our Lord nineteen
 [SEAL] hundred and forty, and of the Independence of the United States of America the one hundred and sixty-fourth.

FRANKLIN D. ROOSEVELT

By the President:

CORDELL HULL,

Secretary of State.

USE OF PORTS OR TERRITORIAL WATERS OF THE
 UNITED STATES BY SUBMARINES OF FOREIGN
 BELLIGERENT STATES

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A Proclamation

WHEREAS section 11 of the Joint Resolution approved November 4, 1939, provides:

“Whenever, during any war in which the United States is neutral, the President shall find that special restrictions placed on the use of the ports and territorial waters of the United States by the submarines or armed merchant vessels of a foreign state, will serve to maintain peace between the United States and foreign states, or to protect the commercial interests of the United States and its citizens, or to promote the security of the United States, and shall make proclamation thereof, it shall thereafter be unlawful for any such submarine or armed merchant vessel to enter a port or the territorial waters of the United States or to depart therefrom, except under such conditions and subject to such limitations as the President may prescribe. Whenever, in his judgment, the conditions which have caused him to issue his proclamation have ceased to exist, he shall revoke his proclamation and the provisions of this section shall thereupon cease to apply, except as to offenses committed prior to such revocation.”

WHEREAS there exists a state of war between Germany and Norway;

WHEREAS the United States of America is neutral in such war;

WHEREAS by my proclamation of November 4, 1939, issued pursuant to the provision of law quoted above, I placed special restrictions on the use of ports and territorial waters of the United States by the submarines of France; Germany; Poland; and the United Kingdom, India, Australia, Canada, New Zealand, and the Union of South Africa;

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, acting under and by virtue of the authority vested in me by the foregoing provision of section 11 of the Joint Resolution approved November 4, 1939, do by this proclamation declare and proclaim that the provisions of my proclamation of November 4, 1939, in regard to the use of the ports and territorial waters of the United States, exclusive of the Canal Zone, by the submarines of France; Germany; Poland; and the United Kingdom, India, Australia, Canada, New Zealand, and the Union of South Africa, shall also apply to the use of the ports and territorial waters of the United States, exclusive of the Canal Zone, by the submarines of Norway.

AND I do hereby enjoin upon all officers of the United States, charged with the execution of the laws thereof, the utmost diligence in preventing violations of the said Joint Resolution, and this my proclamation issued thereunder, and in bringing to trial and punishment any offenders against the same.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this 25th day of April, in the year of our Lord nineteen [SEAL] hundred and forty, and of the Independence of the United States of America the one hundred and sixty-fourth.

FRANKLIN D. ROOSEVELT

By the President:

CORDELL HULL,

Secretary of State.

EXECUTIVE ORDER

Prescribing Regulations Governing the Enforcement of the Neutrality of the United States

WHEREAS, under the treaties of the United States and the law of nations it is the duty of the United States, in any war in which the United States is a neutral, not to permit the commission of unneutral acts within the jurisdiction of the United States;

AND WHEREAS, a proclamation was issued by me on the 25th day of April declaring the neutrality of the United States of America in the war now existing between Germany, on the one hand, and Norway, on the other hand:

NOW, THEREFORE, in order to make more effective the enforcement of the provisions of said treaties, law of nations, and proclamation, I hereby prescribe that the provisions of my Executive Order No. 8233 of September 5, 1939, prescribing regulations governing the enforcement of the neutrality

of the United States, apply equally in respect to Norway.

FRANKLIN D. ROOSEVELT

THE WHITE HOUSE,

April 25, 1940.

The following regulations have been codified under Title 22: Foreign Relations; Chapter I: Department of State; and Subchapter A: The Department, in accordance with the requirements of the *Federal Register* and the *Code of Federal Regulations*:

“PART 55C—TRAVEL

“Pursuant to the provisions of section 5 of the joint resolution of Congress, approved November 4, 1939, and of the President’s Proclamation of April 10, 1940, the regulations in 22 CFR 55C.1 and 55C.2 of November 6, 1939, as amended November 17, 1939, are hereby amended to read as follows:

“§ 55C.1 *American diplomatic, consular, military, and naval officers.* American diplomatic and consular officers and their families, members of their staffs and their families, and American military and naval officers and personnel and their families may travel pursuant to orders on vessels of France; Germany; Poland; or the United Kingdom, India, Australia, Canada, New Zealand, the Union of South Africa, and Norway if the public service requires. (Sec. 5, Public Res. 54, 76th Cong., 2d sess., approved Nov. 4, 1939; Proc. No. 2398, April 25, 1940.)

“§ 55C.2 *Other American citizens.* Other American citizens may travel on vessels of France; Germany; Poland; or the United Kingdom, India, Australia, Canada, New Zealand, the Union of South Africa, and Norway: *Provided, however,* That travel on or over the north Atlantic Ocean, north of 35 degrees north latitude and east of 66 degrees west longitude or on or over other waters adjacent to Europe or over the continent of Europe or adjacent islands shall not be permitted except when specifically authorized by the Pass-

port Division of the Department of State or an American Diplomatic or Consular officer abroad in each case. (Sec. 5, Public Res. 54, 76th Cong., 2d sess., approved Nov. 4, 1939; Proc. No. 2398, April 25, 1940.)

CORDELL HULL,
Secretary of State.

"APRIL 25, 1940."

"PART 12—COMMERCE WITH STATES ENGAGED IN ARMED
CONFLICT

"§ 12.1 *Exportation or transportation of articles or materials—(f) Norway.* The regulations under section 2 (c) and (i) of the joint resolution of Congress approved November 4, 1939, which the Secretary of State promulgated on November 10 (22 CFR 12.1 (a)–(d)) and November 25 (22 CFR 12.1 (e)), 1939, henceforth apply equally in respect to the export or transport of articles and materials to Norway. (Secs. 2 (c), (i), Public Res. 54, 76th Cong., 2d sess., approved Nov. 4, 1939; Proc. No. 2398, April 25, 1940.)

CORDELL HULL,
Secretary of State.

"APRIL 25, 1940."

"PART 40—SOLICITATION AND COLLECTION OF CONTRIBUTIONS
FOR USE IN CERTAIN COUNTRIES

"§ 40.17 *Contributions for use in Norway.* The rules and regulations (22 CFR 40.1–16) under section 8 of the joint resolution of Congress approved November 4, 1939, which the Secretary of State promulgated on November 6, 1939, henceforth apply equally to the solicitation and collection of contributions for use in Norway. (Sec. 8, Public Res. 54, 76th Cong., 2d sess., approved Nov. 4, 1939; Proc. No. 2398, April 25, 1940.)

CORDELL HULL,
Secretary of State.

"APRIL 25, 1940."

II. Proclamations and Regulations Concerning Neutrality of the United States in the War Between Germany and Belgium, Luxemburg, and The Netherlands

(Dept. of State Bulletin, Vol. II; No. 46, May 11, 1940)

PROCLAMATION OF A STATE OF WAR BETWEEN GER-
MANY, ON THE ONE HAND, AND BELGIUM, LUXEM-
BURG, AND THE NETHERLANDS, ON THE OTHER HAND

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A Proclamation

WHEREAS section 1 of the joint resolution of Congress approved November 4, 1939, provides in part as follows:

“That whenever the President, or the Congress by concurrent resolution, shall find that there exists a state of war between foreign states, and that it is necessary to promote the security or preserve the peace of the United States or to protect the lives of citizens of the United States, the President shall issue a proclamation naming the states involved; and he shall, from time to time, by proclamation, name other states as and when they may become involved in the war.”

AND WHEREAS it is further provided by section 13 of the said joint resolution that

“The President may, from time to time, promulgate such rules and regulations, not inconsistent with law as may be necessary and proper to carry out any of the provisions of this joint resolution; and he may exercise any power or authority conferred on him by this joint resolution through such officer or officers, or agency or agencies, as he shall direct.”

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, acting under and by virtue of the authority conferred on

me by the said joint resolution, do hereby proclaim that a state of war unhappily exists between Germany, on the one hand, and Belgium, Luxemburg, and the Netherlands, on the other hand, and that it is necessary to promote the security and preserve the peace of the United States and to protect the lives of citizens of the United States.

And I do hereby enjoin upon all officers of the United States, charged with the execution of the laws thereof, the utmost diligence in preventing violations of the said joint resolution and in bringing to trial and punishment any offenders against the same.

And I do hereby delegate to the Secretary of State the power to exercise any power or authority conferred on me by the said joint resolution, as made effective by this my proclamation issued thereunder, which is not specifically delegated by Executive order to some other officer or agency of this Government, and the power to promulgate such rules and regulations not inconsistent with law as may be necessary and proper to carry out any of its provisions.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this eleventh
day of May, in the year of our Lord
[SEAL] nineteen hundred and forty, and of the
Independence of the United States of
America the one hundred and sixty-fourth.

FRANKLIN D. ROOSEVELT

By the President:

CORDELL HULL,

Secretary of State.

PROCLAIMING THE NEUTRALITY OF THE UNITED
STATES IN THE WAR BETWEEN GERMANY, ON THE
ONE HAND, AND BELGIUM, LUXEMBURG, AND THE
NETHERLANDS, ON THE OTHER HAND

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A Proclamation

WHEREAS a state of war unhappily exists between Germany, on the one hand, and Belgium, Luxemburg, and the Netherlands, on the other hand;

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, in order to preserve the neutrality of the United States and of its citizens and of persons within its territory and jurisdiction, and to enforce its laws and treaties, and in order that all persons, being warned of the general tenor of the laws and treaties of the United States in this behalf, and of the law of nations, may thus be prevented from any violation of the same, do hereby declare and proclaim that all of the provisions of my proclamation of September 5, 1939, proclaiming the neutrality of the United States in a war between Germany and France; Poland; and the United Kingdom, India, Australia and New Zealand apply equally in respect to Belgium, Luxemburg, and the Netherlands.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the city of Washington this eleventh
 day of May, in the year of our Lord
 [SEAL] nineteen hundred and forty, and of the
 Independence of the United States of
 America the one hundred and sixty-fourth.

FRANKLIN D. ROOSEVELT

By the President:

CORDELL HULL,

Secretary of State.

USE OF PORTS OR TERRITORIAL WATERS OF THE
 UNITED STATES BY SUBMARINES OF FOREIGN
 BELLIGERENT STATES

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A Proclamation

WHEREAS section 11 of the Joint Resolution approved November 4, 1939, provides:

“Whenever, during any war in which the United States is neutral, the President shall find that special restrictions placed on the use of the ports and territorial waters of the United States by the submarines or armed merchant vessels of a foreign state, will serve to maintain peace between the United States and foreign states, or to protect the commercial interests of the United States and its citizens, or to promote the security of the United States, and shall make proclamation thereof, it shall thereafter be unlawful for any such submarine or armed merchant vessel to enter a port or the territorial waters of the United States or to depart therefrom, except under such conditions and subject to such limitations as the President may prescribe. Whenever, in his judgment, the conditions which have caused him to issue his proclamation have ceased to exist, he shall revoke his proclamation and the provisions of this section shall thereupon cease to apply, except as to offenses committed prior to such revocation.”

WHEREAS there exists a state of war between Germany on the one hand and Belgium and the Netherlands on the other hand ;

WHEREAS the United States of America is neutral in such war ;

WHEREAS by my proclamation of November 4, 1939, issued pursuant to the provision of law quoted above, I placed special restrictions on the use of ports and territorial waters of the United States by the submarines of France ; Germany ; Poland ; and the United Kingdom, India, Australia, Canada, New Zealand, and the Union of South Africa ;

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, acting under and by virtue of the authority vested in me by the foregoing provision of section 11 of the Joint Resolution approved November 4, 1939, do by this proclamation declare and proclaim that the provisions of my proclamation of November 4, 1939, in regard to the use of the ports and territorial waters of the United States, exclusive of the Canal Zone, by the submarines of France ; Germany ; Poland ; and the United Kingdom, India, Australia, Canada, New Zealand, and the Union of South Africa, shall also apply to the use of the ports and territorial waters of the United States, exclusive of the Canal Zone, by the submarines of Belgium and the Netherlands.

AND I do hereby enjoin upon all officers of the United States, charged with the execution of the laws thereof, the utmost diligence in preventing violations of the said Joint Resolution, and this my proclamation issued thereunder, and in bringing to trial and punishment any offenders against the same.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this eleventh day of May, in the year of our Lord nineteen hundred and forty, and of the Independence
[SEAL] of the United States of America the one hundred and sixty-fourth.

FRANKLIN D. ROOSEVELT

By the President:

CORDELL HULL,

Secretary of State.

III. Joint Declaration of the American Republics Protesting Violation of Neutrality in Europe

(Dept. of State Bulletin, Vol. II, No. 48, May 25, 1940)

“The American Republics in accord with the principles of international law and in application of the resolutions adopted in their inter-American conferences, consider unjustifiable the ruthless violation by Germany of the neutrality and sovereignty of Belgium, Holland and Luxemburg.

“In paragraphs four and five of the Ninth Resolution of the Meeting of Foreign Ministers held at Panama in 1939 entitled ‘Maintenance of International Activities in accordance with Christian Morality’, it was established that the violation of the neutrality or the invasion of weaker nations as a measure in the conduct and success of war warrants the American Republics in protesting against this infraction of international law and the requirements of justice.

“The American Republics therefore resolve to protest against the military attacks directed against Belgium, Holland and Luxemburg, at the same time making an appeal for the reestablishment of law and justice in the relations between countries.”

IV. Statement on the Sinking of the German Ship "Hannover" Off Coast of Dominican Republic

(Dept. of State Bulletin, Vol. II, No. 48, May 25, 1940)

Following the procedure of consultation provided in the Declaration of Panamá, the 21 American republics have agreed upon the transmission of the following communications:

1. *A communication from the President of Panama to the President of the Dominican Republic:*

"I have the honor to inform Your Excellency that your note of March 11 reporting the sinking of the German merchant vessel *Hannover* near the eastern coast of the Dominican Republic has been transmitted to the governments of the other American republics and has received the careful consideration of those governments.

"It gives me pleasure, on behalf of the other American republics, to express cordial appreciation of the prompt action of the Dominican Government in reporting this incident. The action of Your Excellency's Government is one more indication of the determination of the nations of the American continent to face together the problems brought about by the European war.

"The American republics have authorized me to express to your Excellency their complete agreement with the position taken by the Dominican Government in the sense that the *Hannover* incident was a violation of the right set forth in the Declaration of Panama. A statement to this effect is being addressed to the British and German Governments and at the same time the attention of the Inter-American Neutrality Committee is being directed to this case."

2. *A communication from the President of Panama to King George VI of Great Britain and to the Chancellor of the German Reich:*

"The Government of the Dominican Republic has informed the other American republics that on March 9, near the eastern coast of the Dominican Republic, the German merchant vessel *Hannover* was scuttled by its own crew on being intercepted by a British war vessel obviously for purposes of search and capture.

"This incident is considered by the governments of the twenty-one American republics to be a violation of the inherent right asserted on behalf of those republics in the Declaration of Panama which was communicated to the Governments of Great Britain, France, and Germany on October 4, 1939. At the same time that the American republics have authorized me to express their regret at the failure of the belligerent governments to observe the terms of the Declaration, they reiterate the principle therein set forth and reserve all their rights in the premises."

3. *A communication from the Secretary of Foreign Relations and Communications of Panama to the President of the Inter-American Neutrality Committee at Rio de Janeiro:*

"On March 2, 1940 a communication was addressed to Your Excellency by the Director General of the Pan American Union transmitting the affirmative answer of the twenty-one American republics to the inquiry propounded by the Inter-American Neutrality Committee as to the competence of that Committee to deal with problems arising from the Declaration of Panama.

"Since the date mentioned, a number of hostile acts have taken place within the security zone established in the Declaration. I have been requested to transmit to Your Excellency the following documents relating to the sinking by its own crew of the German merchant vessel *Hannover* near the eastern coast of the Dominican Republic on being intercepted by a British war vessel obviously for purposes of search and capture:

“(1) A telegram from the Dominican Government to the Government of Panama, dated March 11, 1940, reporting the incident.

“(2) A telegram from the President of Panama to the President of the Dominican Republic on behalf of the American republics.

“(3) A telegram from the President of Panama on behalf of the American republics to the King of Great Britain and to the Chancellor of the German Reich.”

V. Proclamations and Regulations Concerning Neutrality of the United States in the War Between Italy and France and the United Kingdom

(Dept. of State Bulletin, Vol. II, No. 51, June 15, 1940)

PROCLAMATION OF A STATE OF WAR BETWEEN ITALY, ON THE ONE HAND, AND FRANCE AND THE UNITED KINGDOM, ON THE OTHER HAND

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A Proclamation

WHEREAS section 1 of the joint resolution of Congress approved November 4, 1939, provides in part as follows:

“That whenever the President, or the Congress by concurrent resolution, shall find that there exists a state of war between foreign states and that it is necessary to promote the security or preserve the peace of the United States or to protect the lives of citizens of the United States, the President shall issue a proclamation naming the states involved; and he shall, from time to time, by proclamation, name other states as and when they may become involved in the war.”

AND WHEREAS it is further provided by section 13 of the said joint resolution that

“The President may, from time to time, promulgate such rules and regulations, not inconsistent with law as may be necessary and proper to carry out any of the provisions of this joint resolution; and he may exercise any power or

authority conferred on him by this joint resolution through such officer or officers, or agency or agencies, as he shall direct."

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, acting under and by virtue of the authority conferred on me by the said joint resolution, do hereby proclaim that a state of war unhappily exists between Italy, on the one hand, and France and the United Kingdom, on the other hand, and that it is necessary to promote the security and preserve the peace of the United States and to protect the lives of citizens of the United States.

AND I do hereby enjoin upon all officers of the United States, charged with the execution of the laws thereof, the utmost diligence in preventing violations of the said joint resolution and in bringing to trial and punishment any offenders against the same.

AND I do hereby delegate to the Secretary of State the power to exercise any power or authority conferred on me by the said joint resolution, as made effective by this my proclamation issued thereunder, which is not specifically delegated by Executive order to some other officer or agency of this Government, and the power to promulgate such rules and regulations not inconsistent with law as may be necessary and proper to carry out any of its provisions.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the city of Washington this tenth day of June, in the year of our Lord nineteen hundred and forty, and of the Independence of [SEAL] the United States of America the one hundred and sixty-fourth.

FRANKLIN D. ROOSEVELT

10.20 p. m., E. S. T.

By the President:

CORDELL HULL,

Secretary of State.

PROCLAIMING THE NEUTRALITY OF THE UNITED STATES IN THE WAR BETWEEN ITALY, ON THE ONE HAND, AND FRANCE AND THE UNITED KINGDOM, ON THE OTHER HAND

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A Proclamation

WHEREAS a state of war unhappily exists between Italy, on the one hand, and France and the United Kingdom, on the other hand;

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, in order to preserve the neutrality of the United States and of its citizens and of persons within its territory and jurisdiction, and to enforce its laws and treaties, and in order that all persons, being warned of the general tenor of the laws and treaties of the United States in this behalf, and of the law of nations, may thus be prevented from any violation of the same, do hereby declare and proclaim that all of the provisions of my proclamation of September 5, 1939, proclaiming the neutrality of the United

States in a war between Germany and France; Poland; and the United Kingdom, India, Australia and New Zealand apply equally in respect to Italy.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this tenth day of June, in the year of our Lord nineteen hundred and forty, and of the Independence of
[SEAL] the United States of America the one hundred and sixty-fourth.

FRANKLIN D. ROOSEVELT

10.20 p. m., E. S. T.

By the President:

CORDELL HULL,

Secretary of State.

USE OF PORTS OR TERRITORIAL WATERS OF THE UNITED STATES BY SUBMARINES OF FOREIGN BELLIGERENT STATES

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A Proclamation

WHEREAS section 11 of the joint resolution approved November 4, 1939, provides:

“Whenever, during any war in which the United States is neutral, the President shall find that special restrictions placed on the use of the ports and territorial waters of the United States by the submarines or armed merchant vessels of a foreign state, will serve to maintain peace between the United States and foreign states, or to protect the commercial interests of the United States and its citizens, or to promote the security of the United

States, and shall make proclamation thereof, it shall thereafter be unlawful for any such submarine or armed merchant vessel to enter a port or the territorial waters of the United States or to depart therefrom, except under such conditions and subject to such limitations as the President may prescribe. Whenever, in his judgment, the conditions which have caused him to issue his proclamation have ceased to exist, he shall revoke his proclamation and the provisions of this section shall thereupon cease to apply, except as to offenses committed prior to such revocation.”

WHEREAS there exists a state of war between Italy, on the one hand, and France and the United Kingdom, on the other hand;

WHEREAS the United States of America is neutral in such war;

WHEREAS by my proclamation of November 4, 1939, issued pursuant to the provision of law quoted above, I placed special restrictions on the use of ports and territorial waters of the United States by the submarines of France; Germany; Poland; and the United Kingdom, India, Australia, Canada, New Zealand, and the Union of South Africa;

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, acting under and by virtue of the authority vested in me by the foregoing provision of section 11 of the joint resolution approved November 4, 1939, do by this proclamation declare and proclaim that the provisions of my proclamation of November 4, 1939, in regard to the use of the ports and territorial waters of the United States, exclusive of the Canal Zone, by the submarines of France; Germany; Poland;

and the United Kingdom, India, Australia, Canada, New Zealand, and the Union of South Africa, shall also apply to the use of the ports and territorial waters of the United States, exclusive of the Canal Zone, by the submarines of Italy.

AND I do hereby enjoin upon all officers of the United States, charged with the execution of the laws thereof, the utmost diligence in preventing violations of the said joint resolution, and this my proclamation issued thereunder, and in bringing to trial and punishment any offenders against the same.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this tenth day of June, in the year of our Lord nine-
[SEAL] teen hundred and forty, and of the Independence of the United States of America the one hundred and sixty-fourth.

FRANKLIN D. ROOSEVELT

10.20 p. m., E. S. T.

By the President:

CORDELL HULL,

Secretary of State.

DEFINITION OF A COMBAT AREA

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A Proclamation

WHEREAS section 3 of the joint resolution of Congress approved November 4, 1939, provides as follows:

“(a) Whenever the President shall have issued a proclamation under the authority of section 1 (a), and he shall thereafter find that the protection of citizens of the United

States so requires, he shall, by proclamation, define combat areas, and thereafter it shall be unlawful, except under such rules and regulations as may be prescribed, for any citizen of the United States or any American vessel to proceed into or through any such combat area. The combat areas so defined may be made to apply to surface vessels or aircraft, or both.

“(b) In case of the violation of any of the provisions of this section by any American vessel, or any owner or officer thereof, such vessel, owner, or officer shall be fined not more than \$50,000 or imprisoned for not more than five years, or both. Should the owner of such vessel be a corporation, organization, or association, each officer or director participating in the violation shall be liable to the penalty hereinabove prescribed. In case of the violation of this section by any citizen traveling as a passenger, such passenger may be fined not more than \$10,000 or imprisoned for not more than two years, or both.

“(c) The President may from time to time modify or extend any proclamation issued under the authority of this section, and when the conditions which shall have caused him to issue any such proclamation shall have ceased to exist he shall revoke such proclamation and the provisions of this section shall thereupon cease to apply, except as to offenses committed prior to such revocation.”

AND WHEREAS it is further provided by section 13 of the said joint resolution that

“The President may, from time to time, promulgate such rules and regulations, not inconsistent with law as may be necessary and proper to carry out any of the provisions of this joint resolution; and he may exercise any power or authority conferred on him by this joint resolution through such officer or officers, or agency or agencies, as he shall direct.”

AND WHEREAS on April 10, 1940, I issued a proclamation in accordance with the provision of law quoted above defining a combat area.

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, acting

under and by virtue of the authority conferred on me by section 3 of the joint resolution of Congress approved November 4, 1939, do hereby find that the protection of citizens of the United States requires that there be defined combat areas in addition to the combat area defined in my proclamation of April 10, 1940, through or into which additional combat areas it shall be unlawful, except under such rules and regulations as may be prescribed, for any citizen of the United States or any American vessel, whether a surface vessel or an aircraft, to proceed.

AND I do hereby define the additional combat areas as follows:

All the navigable waters within the limits set forth hereafter:

1. Beginning at the intersection of the West Coast of Morocco with the parallel of $33^{\circ}10'$ north latitude;

Thence due west to 20° west longitude;

Thence due north to $37^{\circ}05'$ north latitude;

Thence due east to the mainland of Portugal;

Thence along the coast line of Portugal, Spain, Gibraltar, Spain, France, Italy, Yugoslavia, Albania, and Greece to the intersection of the East Coast of Greece with the parallel of $39^{\circ}40'$ north latitude;

Thence due east to the mainland of Turkey;

Thence along the coastline of Turkey, Syria, Palestine, Egypt, Libya, Tunisia, Algeria, and Morocco to the point beginning.

All the navigable waters within the limits set forth hereafter:

2. Beginning at the intersection of the North Coast of Italian Somaliland with the meridian of 50° longitude east of Greenwich;

Thence due north to the mainland of Arabia;

Thence eastward along the coast of Arabia to the meridian of 51° east longitude;

Thence due south to the mainland of Italian Somaliland;

Thence westward along the coast of Italian Somaliland to the point of beginning.

AND I do hereby enjoin upon all officers of the United States, charged with the execution of the laws thereof, the utmost diligence in preventing violations of the said joint resolution and in bringing to trial and punishment any offenders against the same.

AND I do hereby delegate to the Secretary of State the power to exercise any power or authority conferred on me by the said joint resolution as made effective by this my proclamation issued thereunder, which is not specifically delegated by Executive order to some other officer or agency of this Government, and the power to promulgate such rules and regulations not inconsistent with law as may be necessary and proper to carry out any of its provisions.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this eleventh day of June, in the year of our Lord nineteen hundred and forty, and of the Independence of the United States of America the one hundred and sixty-fourth.

FRANKLIN D. ROOSEVELT

June 11, 1940, 5: 20 p. m. E. S. T.

By the President:

CORDELL HULL,

Secretary of State.

VI. European Possessions in the Western Hemisphere

(Dept. of State Bulletin, Vol. II, No. 52, June 22, 1940)

The Secretary of State, Mr. Cordell Hull, on June 17 instructed the American Chargé at Berlin and the American Ambassador at Rome to send in writing to the Minister for Foreign Affairs of Germany and to the Minister for Foreign Affairs of Italy, respectively, the following communication in the name of the Government of the United States:

"The Government of the United States is informed that the Government of France has requested of the German Government the terms of an armistice.

"The Government of the United States feels it desirable, in order to avoid any possible misunderstanding, to inform Your Excellency that in accordance with its traditional policy relating to the Western Hemisphere, the United States would not recognize any transfer, and would not acquiesce in any attempt to transfer, any geographic region of the Western Hemisphere from one non-American power to another non-American power.

"I avail myself [etc.]"

The Governments of France, Great Britain, and The Netherlands have been informed in the same sense.

VII. Control of Vessels in Territorial Waters of the United States

(Federal Register, Vol. 5, No. 127, pp. 2419-2420, June 29, 1940)

WHEREAS a proclamation issued by me on September 8, 1939, proclaimed that a national emergency existed in connection with and to the extent necessary for the proper observance, safe-guarding and enforcing of the neutrality of the United States and the strengthening of our national defense within the limits of peace-time authorizations, and that specific directions and authorizations would be given from time to time for carrying out these two purposes,

WHEREAS the continuation of the conditions set forth in said proclamation of September 8, 1939, now calls for additional measures within the limits of peace-time authorizations,

WHEREAS, under and by virtue of section 1 of title II of the Act of Congress approved June 15, 1917, 40 Stat. 220 (U. S. C. title 50, sec. 191), it is provided as follows:

“SECTION 1. Whenever the President by proclamation or Executive order declares a national emergency to exist by reason of actual or threatened war, insurrection, or invasion, or disturbance or threatened disturbance of the international relations of the United States, the Secretary of the Treasury may make, subject to the approval of the President, rules and regulations governing the anchorage and movement of any vessel, foreign or domestic, in the territorial waters of the United States, may inspect such vessel at any time, place guards thereon, and, if necessary in his opinion in order to

secure such vessels from damage or injury, or to prevent damage or injury to any harbor or waters of the United States, or to secure the observance of the rights and obligations of the United States, may take, by and with the consent of the President, for such purposes, full possession and control of such vessel and remove therefrom the officers and crew thereof and all other persons not specially authorized by him to go or remain on board thereof.

“Within the territory and waters of the Canal Zone the Governor of the Panama Canal, with the approval of the President, shall exercise all the powers conferred by this section on the Secretary of the Treasury.”

AND WHEREAS it is essential, in order to carry into effect the provisions of said Act, which are quoted herein, that the powers conferred therein upon the President, the Secretary of the Treasury and the Governor of the Panama Canal be at this time exercised, or available for exercise, with respect to foreign and domestic vessels.

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, by virtue of the powers conferred upon me by the provisions of the said Act of Congress quoted herein, do hereby declare the continuation of the conditions set forth in my proclamation of September 8, 1939, and the existence of a national emergency by reason of threatened disturbance of the international relations of the United States.

AND I therefore consent to the exercise, with respect to foreign and domestic vessels, by the Secretary of the Treasury and the Governor of the Panama Canal, of all the powers conferred by the provisions of said Act.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States to be affixed.

DONE at the City of Washington this 27th day of
June in the year of our Lord nineteen
[SEAL] hundred and forty and of the Independ-
ence of the United States of America,
the one hundred and sixty-fourth.

FRANKLIN D. ROOSEVELT

By the President:

CORDELL HULL,

Secretary of State.

VIII. European Possessions in the Western Hemisphere (Continued)

Statement by the Secretary of State on German Reply to Note of the United States

(Dept. of State Bulletin, Vol. III, No. 54, July 6, 1940)

The Secretary of State, the Honorable Cordell Hull, made the following statement on July 5:

"The American Chargé d'Affaires in Berlin has communicated to the Department the text of a note dated July 1, which he has received from the German Minister of Foreign Affairs.

"The note in question refers to the note delivered by the American Chargé d'Affaires under instructions of the Government of the United States on June 18, in which this Government informed the Government of the German Reich that it would not recognize any transfer of a geographical region of the Western Hemisphere from one non-American power to another non-American power, and that it would not acquiesce in any attempt to undertake such transfer.

"The German Minister of Foreign Affairs states that the Government of the German Reich is unable to perceive for what reason the Government of the United States of America has addressed this communication to the Reich Government. He states that in contrast with other countries, especially in contrast with England and France, Germany has no territorial possessions in the American Continent, and has given no occasion whatever for the assumption that it intends to acquire such possessions, and he asserts that thus insofar as Germany is concerned, the communication addressed to the Reich Government is without object.

"The German Minister of Foreign Affairs continues by remarking that in this case the interpretation of the Monroe Doctrine implicit in the communication of the Government

of the United States would amount to conferring upon some European countries the right to possess territories in the Western Hemisphere and not to other European countries. He states that it is obvious that such an interpretation would be untenable. He concludes by remarking that apart from this, the Reich Government would like to point out again on this occasion that the nonintervention in the affairs of the American Continent by European nations which is demanded by the Monroe Doctrine can in principle be legally valid only on condition that the American nations for their part do not interfere in the affairs of the European Continent.

"The foregoing is the substance of the German note.

"I feel that no useful purpose will be served at this time for this Government to undertake to make any further communication to the Government of the German Reich on the subject matter of the communication above quoted.

"The fundamental questions involved are entirely clear to all of the peoples of the American republics, and undoubtedly as well to the majority of the governments and peoples in the rest of the world.

"The Monroe Doctrine is solely a policy of self-defense, which is intended to preserve the independence and integrity of the Americas. It was, and is, designed to prevent aggression in this hemisphere on the part of any non-American power, and likewise to make impossible any further extension to this hemisphere of any non-American system of government imposed from without. It contains within it not the slightest vestige of any implication, much less assumption, of hegemony on the part of the United States. It never has resembled, and it does not today resemble, policies which appear to be arising in other geographical areas of the world, which are alleged to be similar to the Monroe Doctrine, but which, instead of resting on the sole policies of self-defense and of respect for existing sovereignties, as does the Monroe Doctrine, would in reality seem to be only the pretext for the carrying out of conquest by the sword, of military occupation, and of complete economic and political domination by certain powers of other free and independent peoples.

"The Monroe Doctrine has, of course, not the remotest connection with the fact that certain European nations exercise sovereignty over colonies in the Western Hemisphere and that certain other European nations do not. This situation existed before the Monroe Doctrine was proclaimed. The Doctrine did not undertake to interfere with the existing situation, but did announce that further incursions would not be tolerated. It made clear that the future transfer of existing possessions to another non-American state would be regarded as inimical to the interests of this hemisphere. This has become a basic policy of the Government of the United States. As already stated in the communication addressed to the German Government by this Government under date of June 18, the Government of the United States will neither recognize nor acquiesce in the transfer to a non-American power of geographical regions in this hemisphere now possessed by some other non-American power.

"The Government of the United States pursues a policy of nonparticipation and of noninvolvement in the purely political affairs of Europe. It will, however, continue to cooperate, as it has cooperated in the past, with all other nations, whenever the policies of such nations make it possible, and whenever it believes that such efforts are practicable and in its own best interests, for the purpose of promoting economic, commercial, and social rehabilitation, and of advancing the cause of international law and order, of which the entire world stands so tragically in need today."

IX. Administration of Section 6 of the Act Entitled, "An Act to Expedite the Strengthening of the National Defense" Approved July 2, 1940

(Dept. of State Bulletin, Vol. III, No. 54, July 6, 1940)

A Proclamation

WHEREAS section 6 of the act of Congress entitled "AN ACT To expedite the strengthening of the national defense," approved July 2, 1940, provides as follows:

"Whenever the President determines that it is necessary in the interest of national defense to prohibit or curtail the exportation of any military equipment or munitions, or component parts thereof, or machinery, tools, or material or supplies necessary for the manufacture, servicing or operation thereof, he may by proclamation prohibit or curtail such exportation, except under such rules and regulations as he shall prescribe. Any such proclamation shall describe the articles or materials included in the prohibition or curtailment contained therein. In case of the violation of any provision of any proclamation, or of any rule or regulation, issued hereunder, such violator or violators, upon conviction, shall be punished by a fine of not more than \$10,000, or by imprisonment for not more than two years or by both such fine and imprisonment. The authority granted in this Act shall terminate June 30, 1942, unless the Congress shall otherwise provide."

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, acting under and by virtue of the authority vested in me by the said act of Congress, do hereby proclaim that the administration of the provisions of section 6 of

that act is vested in the Administrator of Export Control, who shall administer such provisions under such rules and regulations as I shall from time to time prescribe in the interest of the national defense.

AND I do hereby further proclaim that upon the recommendation of the aforesaid Administrator of Export Control, I have determined that it is necessary in the interest of the national defense that on and after July 5, 1940, the articles and materials hereinafter listed shall not be exported from the United States except when authorized in each case by a license as hereinafter provided:

1. Arms, ammunition, and implements of war as defined in my Proclamation No. 2237, of May 1, 1937.

2. The following basic materials and products containing the same:

- a. Aluminum
- b. Antimony
- c. Asbestos
- d. Chromium
- e. Cotton linters
- f. Flax
- g. Graphite
- h. Hides
- i. Industrial diamonds
- j. Manganese
- k. Magnesium
- l. Manila fiber
- m. Mercury
- n. Mica
- o. Molybdenum
- p. Optical glass
- q. Platinum group metals
- r. Quartz crystals

- s. Quinine
- t. Rubber
- u. Silk
- v. Tin
- w. Toluol
- x. Tungsten
- y. Vanadium
- z. Wool

3. Chemicals as follows:

- a. Ammonia and ammonium compounds
- b. Chlorine
- c. Dimethylaniline
- d. Diphenylamine
- e. Nitric acid
- f. Nitrates
- g. Nitrocellulose, having a nitrogen content of less than 12 percent
- h. Soda lime
- i. Sodium acetate, anhydrous
- j. Strontium chemicals
- k. Sulphuric acid, fuming

4. Products as follows:

- a. Aircraft parts, equipment, and accessories other than those listed in my proclamation of May 1, 1937.
- b. Armor plate, other than that listed in my proclamation of May 1, 1937.
- c. Glass, nonshatterable or bullet proof.
- d. Plastics, optically clear.
- e. Optical elements for fire control instruments, aircraft instruments, etc.

5. Machine tools as follows:

Metal-working machinery for—

- (1) Melting or casting
- (2) Pressing into forms
- (3) Cutting or grinding, power driven
- (4) Welding

AND I do hereby empower the Secretary of State to issue licenses authorizing the exportation of any of the said articles and materials the exportation of which is not already subjected to the requirement that a license be obtained from the Secretary of State authorizing their exportation and I do hereby authorize and enjoin him to issue or refuse to issue licenses authorizing the exportation of any of the articles or materials listed above in accordance with the aforesaid rules and regulations or such specific directives as may be, from time to time, communicated to him by the Administrator of Export Control.

AND I do hereby admonish all citizens of the United States and every person to abstain from every violation of the provisions of section 6 of the act above set forth, of the provisions of this proclamation, and of the provisions of such regulations as may be issued thereunder, and I do hereby warn them that all violations of such provisions will be rigorously prosecuted.

AND I do hereby enjoin upon all officers of the United States, charged with the execution of the laws thereof, the utmost diligence in preventing violations of the said act, of this my proclamation, and of any regulations which may be issued pursuant hereto, and in bringing to trial and punishment any offenders against the same.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States of America to be affixed.

DONE at the City of Washington this 2nd day of
July, in the year of our Lord nineteen hundred and
forty, and of the Independence of the
[SEAL] United States of America the one hun-
dred and sixty-fourth, at 11 a. m.,
E. S. T.

FRANKLIN D. ROOSEVELT

By the President:

CORDELL HULL,

Secretary of State.

X. Regulations Relating to Travel in Combat Area

(Dept. of State Bulletin, Vol. III, No. 55, July 13, 1940)

The following regulation has been codified under Title 22: Foreign Relations; Chapter I; Department of State; and Subchapter A: The Department, in accordance with the requirements of the *Federal Register* and the *Code of Federal Regulations*:

PART 55C—TRAVEL

By virtue of the authority vested in me by the President's proclamation numbered 2410, of June 11, 1940, to promulgate such rules and regulations not inconsistent with law as may be necessary and proper to carry out the provisions of section 3 of the joint resolution of Congress approved November 4, 1939, as amended June 26, 1940, as made effective by that and previous proclamations, I hereby amend 22 CFR 55C.4 (c) to read as follows:

§ 55C.4 *American vessels in combat areas*—(c) *Vessels authorized to evacuate American citizens and those under direction of American Red Cross.* The provisions of the proclamation do not apply to any American vessel which, by arrangement with the appropriate authorities of the United States Government, is commissioned to proceed into or through this combat area in order to evacuate citizens of the United States who are in imminent danger to their lives as a result of combat operations incident to the present war, or to any American vessels proceeding into or through this area, unarmed and not under convoy, under charter or other direction and control of the American Red Cross,

on a mission of mercy only and carrying only Red Cross materials and personnel: *Provided*, That where permission has not been given by the blockading power, no American Red Cross vessel shall enter a port where a blockade by aircraft, surface vessel, or submarine is being attempted through the destruction of vessels, or into a port of any country where such blockade of the whole country is being so attempted. (Secs. 3, 4, Public Res. 54, 76th Cong., 2d sess., approved Nov. 4, 1939, as amended by Public Res. 87, 76th Cong., 3d sess., approved June 26, 1940; Proc. No. 2410, June 11, 1940)

[SEAL]

CORDELL HULL,
Secretary of State.

JULY 5, 1940.

XI. Control of Exports in National Defense

(Dept. of State Bulletin, Vol. III, No. 57, July 27, 1940)

ADMINISTRATION OF SECTION 6 OF THE ACT ENTITLED,
“AN ACT TO EXPEDITE THE STRENGTHENING OF
THE NATIONAL DEFENSE” APPROVED JULY 2, 1940

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A Proclamation

WHEREAS section 6 of the act of Congress entitled “AN ACT To expedite the strengthening of the national defense,” approved July 2, 1940, provides as follows:

“Whenever the President determines that it is necessary in the interest of national defense to prohibit or curtail the exportation of any military equipment or munitions, or component parts thereof, or machinery, tools, or material or supplies necessary for the manufacture, servicing or operation thereof, he may by proclamation prohibit or curtail such exportation, except under such rules and regulations as he shall prescribe. Any such proclamation shall describe the articles or materials included in the prohibition or curtailment contained therein. In case of the violation of any provision of any proclamation, or of any rule or regulation, issued hereunder, such violator or violators, upon conviction, shall be punished by a fine of not more than \$10,000, or by imprisonment for not more than two years or by both such fine and imprisonment. The authority granted in this Act shall terminate June 30, 1942, unless the Congress shall otherwise provide.”

AND WHEREAS by my proclamation No. 2413 of July 2, 1940, entitled “ADMINISTRATION OF SECTION 6 OF THE ACT ENTITLED ‘AN ACT TO EXPEDITE THE STRENGTHENING OF THE NATIONAL DEFENSE’ APPROVED JULY 2, 1940,” I proclaimed that upon the

recommendation of the Administrator of Export Control I had determined that it was necessary in the interest of the national defense that certain listed articles and materials should not be exported from the United States except when authorized in each case by a license as provided for in the said proclamation.

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, acting under and by virtue of the authority vested in me by the said act of Congress, do hereby proclaim that upon the recommendation of the aforesaid Administrator of Export Control I have determined that it is necessary in the interest of the national defense that on and after August 1, 1940, the additional materials hereinafter listed shall not be exported from the United States except when authorized in each case by a license as provided for in the aforesaid proclamation:

1. Petroleum products
2. Tetraethyl lead
3. Iron and steel scrap

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this 26th day of July, in the year of our Lord nine-
[SEAL] teen hundred and forty, and of the Independence of the United States of America the one hundred and sixty-fifth.

FRANKLIN D. ROOSEVELT

By the President:

SUMNER WELLES,

Acting Secretary of State.

XII. British "Blockade" Announcement

(New York Times, August 1, 1940)

The text of the statement by Hugh Dalton, Minister of Economic Warfare, in the House of Commons (July 30, 1940) follows:

The German occupation of the west European coastline from North Cape to the Pyrenes has greatly changed the conditions of economic war.

The German armies succeeded in overrunning large parts of Western Europe but the overseas imports they require are still barred from seas commanded by the Royal Navy.

Many fewer ships are now engaged in legitimate neutral trade between Europe and the Americas. Moreover, we must control not only shipping approaching the Mediterranean or the North Sea but all shipping crossing the Atlantic.

To apply this control in the old way would mean diverting ships far out of their courses to contraband bases in British waters either in this island or West Africa.

To avoid imposing such grave inconveniences upon shippers, shipowners and crews His Majesty's Government has decided to extend the navicert system to all seaborne goods consigned to any European port as well as to certain Atlantic islands and certain neutral ports of North Africa.

In future ships sailing from a neutral port to any such destination must obtain navicerts for all items of cargo and in addition a ship navicert at the last loading. Any consignment not navicerted and any shipment without a ship navicert will henceforth be liable to seizure by our patrol.

ALSO FOR OUTGOING TRADE

The same rules will apply to outgoing trade. Ships sailing from European ports or certain Atlantic islands or certain neutral ports in North Africa must have certificates of non-enemy origin for all items of their cargoes. Any ship

whose cargo is not fully certificated will be liable to be seized together with all uncertificated items of cargoes.

An Order in Council, giving effect to these changes, will be issued forthwith.

It has been suggested in some quarters that we intend to extend the blockade to certain neutral countries. This is not so. Where supplies can reach such neutrals without risk of falling into the hands of the enemy we shall grant navicerts on such a scale as to allow imports adequate for domestic consumption but not for re-export to other countries. Moreover, it will be the policy of His Majesty's Government not merely to allow such adequate supplies to pass through our controls but also to assist neutral countries to obtain them.

These measures will greatly benefit those engaged in honest neutral trade. Delays in such trade, due to the exercise of our controls, will be much reduced. At the same time a heavy blow will be struck at those who seek to elude our controls and carry supplies either to or from the enemy.

Our friends will be further encouraged and our enemies discomfited by some ingenious provisions which the Minister of Shipping will, I understand, immediately announce.

Finally I would recall that on July 2 I informed the House that contraband control had been extended to French territory under enemy control and that no goods were being allowed to reach the enemy through unoccupied France.

ALL FRANCE UNDER BAN

After a most careful review of all circumstances His Majesty's Government has now decided with regret that in the present circumstances it must treat all metropolitan France as well as Algeria, Tunisia and French Morocco in the same manner for purposes of contraband and enemy export control as enemy controlled territories.

Goods destined for these territories therefore are liable to be seized as contraband and goods originating in or owned by persons in such territories are liable to be placed in prize.

These steps I have now announced are designed to smooth the path of genuine neutral trade while increasing the the strength of our blockade and avoiding unnecessary calls upon the Royal Navy.

XIII. German "Blockade" Announcement

(New York Times, August 18, 1940)

The text of the German declaration announcing a "total blockade" of Britain (August 17, 1940) :

Since the outbreak of war, England to an ever increasing extent has violated international rules of war conduct. It began by proclaiming foodstuffs as contraband, which is in contrast to the most primitive laws of humanity. Just as in the World War, German women and children were to be hit thereby.

Then followed a declaration that all goods of German origin were contraband, including goods in neutral possession and which were exported from Germany in neutral ships.

Illegal arming of British merchantmen for the purpose of using these vessels as an aggressive weapon against German submarines was the next measure, followed by misuse of neutral flags, etc.

Germany replied to this: First, by shifting her trade to the east and by considerably increasing her imports of foodstuffs and raw materials from European and Asiatic economic sectors, by securing for German economics enormous quantities of raw materials of all kinds in European countries freed from the enemy. Second, by sinking 5,000,000 gross register tons of merchant space by the German Navy and Air Force.

To this must be added 1,500,000 tons of cargo space which was rendered useless by heavy damages by air attacks. This makes, together, 6,500,000 tons.

"MORE AND MORE BRUTAL"

Recognizing to an ever increasing extent the uselessness of her naval warfare, which conflicts with all rules of international laws, England then took resort to methods which became more and more brutal.

Laying of drifting mines, open and camouflaged use of merchantmen for war actions, using of fishing vessels as submarine traps, Churchill's announcement in Parliament of May 9, 1940, that in the Skagerrak all German merchant ships would be sunk at day time and all vessels, without regard to nationality, at night time are all on the same line. The heaviest blow, however, was given by England to shipping of third States by the following measures:

England has, first, seized by force merchant ships of Norway, Denmark, Holland, Belgium and France in order to replace at least partly her own gigantic tonnage losses. Since then England compels owners and crews of these vessels to work for her. Second, England tries with all the means at her disposal to enforce her control on all neutral shipping.

Thus England of late blockaded by mines, illegally and completely, the region between Greenland and England and certain regions around Southern England, forcing neutral shipping to enter British control harbors. England arbitrarily intercepts also vessels of nations like Japan, the Soviet Union and Sweden, which are not at all taking part in the European war.

Moreover, she now attempts forcing upon neutral shipping the notorious "navicert system." She treats as prizes those ships without navicert. By this means England tries to make serviceable for her own war aims all neutral merchant shipping.

As regards the sea region around England, normal trade traffic is no longer going on there as a result of ever-increasing fighting actions of the air and naval forces of the two belligerents. Sea routes and actions, moreover, are nowadays prescribed to neutral shipping by mines, outpost vessels, air patrols, British coastal batteries, etc. Other neutral vessels are mostly forced to run in convoys of British warships.

Therefore there can be no talk any more today of free shipping. Developments, moreover, show that neutral shipping, as far as it today still is running to England, is subject to all dangers of warlike actions and that it, in view of all these things, is being misused directly or indirectly for doing service for England.

England herself has thus, by her measures completely defying international law, made all waters around her isles a zone of military operations, a circumstance which would forbid any genuinely neutral ship from entering these waters.

A further deterrent for neutral ships and sailors should be the fact that under the constantly growing pressure of the German armed forces England of late has been quite openly overstepping even the last boundaries of decent warfare.

Thus Mr. Churchill announced a few days ago that unarmed German salvage planes, protected by the sign of the Red Cross, which were rescuing German and enemy airmen in distress at sea, would from now on be shot down by England.

This cynical incitement to murder, which is symptomatic of the desperate mood at present of the British rulers in view of imminent defeat, has been promptly followed by the British air force. During recent air fights two German Red Cross planes trying to rescue wounded British airmen were shot down by the British.

Germany has watched these developments with careful attention for months in the hope that common sense might, after all, deter the present British rulers from continuing this criminal course of warfare. This hope was in vain, however. England rejected the Fuehrer's latest appeal.

WILL "RETALIATE IN KIND"

The Reich Government, therefore, has now decided to retaliate in kind and to employ armed forces with the same ruthlessness against shipping around England.

On September 26 the British Government through Mr. Chamberlain who then was Premier declared: Germany is a beleaguered fortress and it is therefore quite legal and humane to cut off the German people from all vitally important supplies. This means in other words: The present British rulers regard it as a matter of course and as quite legal, if they had their will, to expose German women and children to a death of starvation as in the World War.

The Fuehrer's policy, which gave German economic access to food imports from large parts of the world, and the securing of large raw material reserves, thanks to a unique

series of victories of our armies, frustrated the British plans, however. The present rulers of England know this. They nevertheless do not dare to admit complete failure for their policy to their own people, but are proclaiming war to the last.

In view of this self-destructive British attitude the Reich Government establishes the fact that not Germany, but the British Isles, is the beleaguered fortress today.

The unsuccessful British attempt to starve German women and children, through a hunger blockade, is answered by Germany with the complete blockade of the British Isles, here proclaimed.

Germany is convinced that, with the announcement of the total blockade of the British Isles, a further decisive step has been taken toward termination of the war and removal of the guilty people at present in power in Britain. The supreme command of the German armed forces will make the utmost use of the favorable strategic situation offered by German domination of the Continental coasts from Biscay up to the North Cape.

"ACTS IN EUROPE'S INTERESTS"

Germany thus acts in the interests of the whole of Europe for, after it has been realized in London that starving out Germany is impossible, Britain tries to extend the hunger war to other European countries like Norway, Denmark, Holland, Belgium, France, Sweden, Spain, and Portugal. Britain even tries to cut off from overseas supplies countries which have nothing whatever to do with the war like Japan, Soviet Russia, etc., under the pretext that Germany might possibly profit from such imports.

The rapid forcing of England to her knees, and the removal of the people at present in power in London, is consequently the foremost task for the sake of the whole of Europe and other neutral countries concerned. While some countries like the United States and Argentina long ago have declared the waters surrounding the British Isles a war zone and have forbidden their ships, airplanes and citizens to enter these dangerous zones, other countries have not yet taken the same step.

Germany, having repeatedly warned these States not to send their ships into the waters around the British Isles, has now again requested, in a note, these governments to forbid their ships from entering the Anglo-German war zones. It is in the interest of these States themselves to accede this German request as soon as possible.

The Reich Government wishes to emphasize the following fact: The naval war in the waters around the British Isles is in full progress.

The whole area has been mined.

German planes attack every vessel. Any neutral ship which in the future enters these waters is liable to be destroyed.

DECLINES ALL RESPONSIBILITY

The Reich Government in the future declines all responsibility without exception for damages suffered by ships or injuries to persons in these waters. By keeping their ships completely away from the British Isles neutrals on their part will help to avoid complications and end the war soon.

It will thus, moreover, be made more difficult for Mr. Churchill and other men like him to create in the future any new so-called *Athenia* case; in other words to let ships of a third State be sunk by British U-boats and then blame Germany for the sinking in the hope of inciting public opinion in the third State concerned sufficiently to drive it into a war against Germany.

Germany is convinced that she does a service of historic importance not only to Europe but also to all neutral countries in the world by finally removing the present system of British piracy.

XIV. German "Total Blockade" Area

(New York Times, August 19, 1941)

The total blockade area is defined as follows:

From the French Atlantic coast at 37 degrees 30 minutes North Longitude and 2 degrees 40 minutes West Latitude to a point 45 degrees north 5 degrees west, thence westward to a point 45 degrees north and 20 degrees west, thence northward to a point 58 degrees north, 20 degrees west, thence eastward to a point 62 degrees north, 3 degrees east, and southward to the Belgian coast. From the Belgian coast the zone follows the French coast along the Channel and the Atlantic to Lorient, which is approximately the starting point.

Authoritative German quarters insisted that proclamation of the total blockade could not be compared with the declaration in the World War of unrestricted submarine warfare.

"This blockade, directed only against England, is based on entirely different reasons from the decisions taken in the World War," it was said. "It is impossible, therefore, to draw a parallel with unrestricted U-boat warfare. Today other weapons play a far more important role than U-boats.

"It would likewise be incorrect to speak of sinking without warning. This is too general a statement. Germany will adhere to the general principles of international law in exercising the blockade, but it must be remembered that many rules of naval warfare were drawn up in the days of sailing ships, before steamships, submarines and airplanes were in general use."

Commenting on the blockade proclamation, the Foreign Office commentary, *Diplomatisch-Politische Korrespondenz*, tonight says:

"It is obvious that the war zone around England, in which all the most modern weapons are being used in active com-

bat, must henceforth be avoided by all who do not wish to come in contact with the horrors of war. In this respect there is no difference between the battlefields of the sea and those on land. Whoever places himself in such danger not only acts with frivolity, but virtually seeks death and destruction."

XV. Habana Meeting of the Ministers of Foreign Affairs

(Dept. of State Bulletin, Vol III, No. 61, August 24, 1940)

Final Act and Convention

The following texts of the Act and Convention of the Second Meeting of the Ministers of Foreign Affairs of the American Republics at Habana are being printed in order that they may be generally available without further delay, although the certified copies have not yet been received. It is believed that they are correct.

FINAL ACT

The Governments of the American Republics, in order that their Ministers of Foreign Affairs or their Personal Representatives might meet for purposes of consultation in accordance with agreements approved at prior Inter-American Conferences, duly accredited the Delegates hereinbelow expressed (following the order of precedence determined by lot) who met in the City of Habana during the period comprised between the twenty-first and the thirtieth of July, one thousand nine hundred and forty, in answer to the invitation of the Government of the Republic of Cuba:

HONDURAS

His Excellency SILVERIO LAINEZ, Personal Representative of
His Excellency The Minister of Foreign Affairs

HAITI

His Excellency LEON LALEAU, Secretary of State for Foreign Affairs

COSTA RICA

His Excellency LUIS ANDERSON MORÚA, Personal Representative of His Excellency The Secretary of Foreign Affairs

MEXICO

His Excellency EDUARDO, SUÁREZ, Personal Representative of His Excellency The Secretary of Foreign Affairs

ARGENTINA

His Excellency LEOPOLDO MELO, Personal Representative of His Excellency The Minister of Foreign Affairs

URUGUAY

His Excellency PEDRO MANINI RIOS, Personal Representative of His Excellency The Minister of Foreign Affairs

ECUADOR

His Excellency JULIO TOBAR DONOSO, Minister of Foreign Affairs

BOLIVIA

His Excellency ENRIQUE FINOT, Personal Representative of His Excellency The Minister of Foreign Affairs

CHILE

His Excellency OSCAR SCHNAKE, Personal Representative of His Excellency The Minister of Foreign Affairs

BRAZIL

His Excellency MAURICIO NABUCO, Personal Representative of His Excellency The Minister of Foreign Affairs

CUBA

His Excellency MIGUEL ANGEL CAMPA, Secretary of State

PARAGUAY

His Excellency TOMÁS A. SALOMONI, Minister of Foreign Affairs

PANAMA

His Excellency NARCISO GARAY, Secretary of Foreign Relations and Communications

COLOMBIA

His Excellency LUIS LÓPEZ DE MESA, Minister of Foreign Affairs

VENEZUELA

His Excellency DIÓGENES ESCALANTE, Personal Representative of His Excellency The Minister of Foreign Affairs

EL SALVADOR

His Excellency HÉCTOR ESCOBAR SERRANO, Personal Representative of His Excellency The Minister of Foreign Affairs

DOMINICAN REPUBLIC

His Excellency ARTURO DESPRADEL, Secretary of State for Foreign Affairs

PERU

His Excellency LINO CORNEJO, Personal Representative of His Excellency The Minister of Foreign Affairs

NICARAGUA

His Excellency MARIANO ARGÜELLO, Minister of Foreign Affairs

GUATEMALA

His Excellency CARLOS SALAZAR, Secretary of Foreign Affairs

UNITED STATES OF AMERICA

His Excellency CORDELL HULL, Secretary of State

The Meeting held its inaugural session on the twenty-first day of July, one thousand nine hundred and forty, at four o'clock in the afternoon, in the Hall of Sessions of the House of Representatives, in the National Capitol, in the presence of His Excellency Dr. Federico Laredo Brú, President of the Republic of Cuba, under the provisional presidency of His Excellency Miguel Angel Campa, Secretary of State, with Dr. César Salaya y de la Fuente, acting as Secretary General.

The Regulations for the Meeting were approved by the Governing Board of the Pan American Union at a session held the twenty-ninth day of June, one thousand nine hundred and forty, and the Agenda at a session held by the same body on the fifth day of the current month.

The aforesaid Regulations and Agenda were ratified by the Meeting in the preliminary session held the twenty-second of July, one thousand nine hundred and forty, at ten o'clock in the morning.

At the Plenary Session held the same day at four o'clock in the afternoon, Dr. Miguel Angel Campa, Secretary of State of the Republic of Cuba, was elected Permanent President of the Meeting.

In compliance with the provisions of Articles VII and VIII of the Regulations, the following Committees were created: Credentials, Coordination, Neutrality, Preservation of Peace in the Western

Hemisphere and Economic Cooperation. For the constitution of the latter three Committees the division in three parts or chapters of the Agenda of the Meeting was taken into consideration.

At the same Preliminary Session at which the Regulations were ratified, the members of the above mention five Committees were appointed, as follows:

COMMITTEE ON CREDENTIALS

Their Excellencies:

NARCISO GARAY (Panama)
 TOMÁS A. SALOMONI (Paraguay)
 CARLOS SALAZAR (Guatemala)
 HÉCTOR ESCOBAR SERRANO (El Salvador)
 SILVERIO LAÍNEZ (Honduras)

COMMITTEE ON COORDINATION

Their Excellencies:

LEOPOLDO MELO (Argentina)
 MAURICIO NABUCO (Brazil)
 CORDELL HULL (United States of America)
 LEÓN LALEAU (Haiti)

COMMITTEE ON NEUTRALITY

Their Excellencies:

LEOPOLDO MELO (Argentina)
 LUIS ANDERSON MORÚA (Costa Rica)
 OSCAR SCHNAKE (Chile)
 PEDRO MANINI RIOS (Uruguay)
 ENRIQUE FINOT (Bolivia)
 CARLOS SALAZAR (Guatemala)
 SILVERIO LAÍNEZ (Honduras)

COMMITTEE ON PRESERVATION OF PEACE IN THE WESTERN HEMISPHERE

Their Excellencies:

CORDELL HULL (United States of America)
 DIÓGENES ESCALANTE (Venezuela)
 MAURICIO NABUCO (Brazil)

JULIO TOBAR DONOSO (Ecuador)
 ARTURO DESPRADEL (Dominican Republic)
 TOMÁS A. SALOMONI (Paraguay)
 NARCISO GARAY (Panama)

COMMITTEE ON ECONOMIC COOPERATION

Their Excellencies:

EDUARDO SUÁREZ (México)
 LUIS LÓPEZ DE MESA (Colombia)
 LINO CORNJELO (Perú)
 MARIANO ARGÜELO (Nicaragua)
 LEON LALEAU (Haiti)
 HÉCTOR ESCOBAR SERRANO (El Salvador)
 MIGUEL ANGEL CAMPA (Cuba)

At the same Preliminary Session already mentioned, it was unanimously resolved that the Committee referred to in Article VI was to be made up by the Ministers of Foreign Affairs of the American Republics or their Personal Representatives.

It was likewise resolved that the Delegations that presented projects corresponding to matters pertaining to any of the three last mentioned Committees, had the right to belong to the corresponding Committee, as *ex officio* members.

The Second Meeting of the Ministers of Foreign Affairs of the American Republics approved the following votes, motions, declarations, recommendations and resolutions:

I

INTER-AMERICAN NEUTRALITY COMMITTEE

The Second Meeting of the Ministers of Foreign Affairs of the American Republics

Resolves:

One: To urge the Inter-American Neutrality Committee to draft a preliminary project of convention dealing with

the juridical effects of the Security Zone and the measures of international cooperation which the American States are ready to adopt to obtain respect for the said Zone.

Two: To entrust the Inter-American Neutrality Committee, which functions at Rio de Janeiro, with the drafting of a project of inter-American convention which will cover completely all the principles and rules generally recognized in international law in matters of neutrality, and especially those contained in the Resolutions of Panama, in the individual legislation of the different American States, and in the recommendations already presented by the same Committee.

Three: When the aforementioned project has been drafted, it shall be deposited in the Pan American Union, in order to be submitted for the signature, adhesion and ratification of the respective Governments of the American Republics.

Four: Pending the drafting, acceptance and ratification of the project, it is recommended that the American States adopt in their respective legislations concerning neutrality, the principles and rules contained in the Declarations of Panama and in the recommendations already drafted, or which may hereafter be drafted by the Inter-American Neutrality Committee, it being suggested that the incorporation of the said resolutions and recommendations in the respective legislations be made, in so far as practicable, in a codified and joint form.

Five: To direct that the aforementioned Inter-American Neutrality Committee submit, whenever it may deem advisable, its recommendations direct to the Governments of the American Republics, provided, however, that it shall report also concerning them to the Pan American Union.

Six: To recommend that the Pan American Union circulate among the Governments of the American States the minutes of the Inter-American Neutrality Committee of Rio de Janeiro, and that the minutes be published by the Pan American Union, when the said Committee deems it opportune.

Seven: That the Inter-American Neutrality Committee may function with the attendance of a minimum of five members, and that, whatever be the number of members

present at the meetings, resolutions shall be adopted with the favorable vote of at least four members.

Eight: That even though the Committee is permanent in nature, it is authorized to hold periodical meetings and to adjourn for a specified time, without prejudice to the calling of extraordinary sessions by the President, when some urgent and important question is to be considered.

Nine: To extend a vote of applause and congratulations, for its meritorious work, to the Inter-American Neutrality Committee of Rio de Janeiro, and to its members, Their Excellencies Afranio de Mello Franco, L. A. Podestá Costa, Mariano Fontecilla, A. Aguilar Machado, Charles G. Fenwick, Roberto Córdoba, Gustavo Herrera, Manuel Francisco Jiménez and S. Martínez Mercado.

II

NORMS CONCERNING DIPLOMATIC AND CONSULAR FUNCTIONS

WHEREAS:

1. One of the bases of the spiritual unity of the Americas has its roots in the firm adherence by the peoples of the Continent to the principles of international law.

2. The American Republics on February 20th, 1928 signed, at Habana, a Convention on Diplomatic Officers which contains the principles generally accepted by all nations.

3. The said Convention establishes, among others, the following principles:

a) Foreign diplomatic officers shall not participate in the domestic or foreign politics of the States in which they exercise their functions.

b) They must exercise their functions without coming into conflict with the laws of the country to which they are accredited.

c) They should not claim immunities which are not essential to the fulfillment of their official duties.

d) No State shall accredit its diplomatic officers to other States without previous agreement with the latter.

e) States may decline to review a diplomatic officer from another, or, having already accepted him, may request his recall without being obliged to state the reasons for such a decision.

The Second Meeting of the Ministers of Foreign Affairs of the American Republics

Resolves:

To urge the Governments of the American Republics to prevent, within the provisions of international law, political activities of foreign diplomatic or consular agents, within the territory to which they are accredited, which may endanger the peace and the democratic tradition of America.

XIII

HOSTILE ACTS IN TERRITORIAL WATERS AND IN THE SECURITY ZONE

WHEREAS:

1. At the First Meeting of the Ministers of Foreign Affairs held at Panama for the purpose of preserving peace, the neutrality of the American Republics was established, during the war begun in Europe; the irrevocable purpose was asserted of complying strictly with those duties within the principles of international law and the clauses of the conventions codifying them, and due respect was demanded for the situation created by those norms;

2. Within this purpose of maintaining security on this Continent, a maritime zone, adjacent to the territorial area of each nation was established, excluding such zone from hostile acts from the land, sea, or air;

3. In the hostilities, belligerency has transgressed the principles of international law, has disregarded

the duties imposed by neutrality, and has also brought about hostile acts, not only in the zone excluded by the XV Resolution of Panama, but also contrary to sovereignty in the maritime zone of some of the Republics ;

4. Without prejudice to the juridical procedure and settlement which should be given in each case to the claims raised because of these transgressions, it is necessary and opportune that the voice of the irrevocable purpose of practicing and demanding Republics of America condemn them and state the respect to the fullest extent for the norms regulating the existence of the international community,

The Second Meeting of the Ministers of the Foreign Affairs of the American Republics

Declares:

One. That it condemns hostilities within territorial waters, as contrary to the right of sovereignty of the nation having jurisdiction over them and to the tenets of international law.

Two. That it considers such hostilities within the Security Zone to be prejudicial to the votes and joint resolutions of the Republics of America for the preservation of peace on this Continent.

XIV

THE PEACEFUL SOLUTION OF CONFLICTS

WHEREAS:

In behalf of the closest possible unity of the Continent, it is imperative that differences existing between some of the American nations be settled,

The Second Meeting of the Ministers of Foreign Affairs of the American Republics

Resolves:

To recommend to the Governing Board of the Pan American Union that it organize, in the American capital deemed most suitable for the purpose, a Committee composed of representatives of five countries, which shall have the duty of keeping constant vigilance to insure that States between which any dispute exists or may arise, of any nature whatsoever, may solve it as quickly as possible, and of suggesting, without detriment to the methods adopted by the parties or to the procedures which they may agree upon, the measures and steps which may be conducive to a settlement.

The Committee shall submit a report to each Meeting of the Ministers of Foreign Affairs and to each International Conference of American States regarding the status of such conflicts and the steps which may have been taken to bring about a solution.

XV

RECIPROCAL ASSISTANCE AND COOPERATION FOR THE DEFENSE OF THE NATIONS OF THE AMERICAS

The Second Meeting of the Ministers of Foreign Affairs of the American Republics

Declares:

That any attempt on the part of a non-American State against the integrity or inviolability of the territory, the sovereignty or the political independence of an American State shall be considered as an act of aggression against the States which sign this declaration.

In case acts of aggression are committed or should there be reason to believe that an act of aggression is being prepared by a non-American nation against the integrity or inviolability of the territory, the sovereign or the political independence of an American nation, the nations signatory to the present declaration will consult among themselves in order to agree upon the measure it may be advisable to take.

All the signatory nations, or two or more of them, according to circumstances, shall proceed to negotiate the necessary complementary agreements so as to organize cooperation for defense and the assistance that they shall lend each other in the event of aggressions such as those referred to in this declaration.

XVI

MAINTENANCE OF PEACE AND UNION AMONG THE AMERICAN REPUBLICS

The Second Meeting of the Ministers of Foreign Affairs of the American Republics

Declares:

One. That the Governments of the American Republics are irrevocably determined to maintain and strengthen their union, in order that America may fulfill its high mission on behalf of civilization;

Two. That they will, therefore, omit no effort to prevent any controversy which might impair their solidarity;

Three. That they will also make every effort to settle in a friendly manner and as soon as possible the differences which exist between them, in order that their reciprocal confidence and their cooperation for continental defense against any foreign aggression may be further strengthened;

Four. That they reaffirm their strong desire to avoid the use of force in this Continent as a means of solving differences between nations and, therefore, to resort exclusively to juridical and pacific methods;

Five. That they consider it essential to extend the sphere of action of these methods, so that in all cases they may be decisively effective for the preservation of peace;

Six. That they will, likewise, make every effort to the end that these principles and aspirations may be adopted in the relations between the nations of America and those of other continents;

Seven. That during the present period of hostilities they will strive for the maintenance of law and justice, in accordance with the Declarations of Panama;

Eight. That they vehemently desire that peace be established on bases which will be lasting and inspired by the common welfare of all peoples;

Nine. That they are disposed to maintain international relations on juridical bases resting on the solid foundation of moral forces, in order to reestablish definitely the bonds of human community; and

Ten. That, faithful to their ideals, they will coordinate their own interests with the duties of universal cooperation.

XVII

PROCEDURE ON CONSULTATION

WHEREAS:

1. It is incumbent upon the present Meeting, as provided in paragraph 3 of Chapter II of the Agenda, to examine the functioning of the system of consultation among the Governments of the American Republics established by the resolutions of the Inter-American Conference for the Maintenance of Peace and of the Eighth International Conference of American States, for the purpose of suggesting measures susceptible of perfecting it;

2. The high motives which led the American Republics to put the aforementioned system into effect, will continue to make advisable the convoking of other Meetings such as those of Panama and of Habana, whenever the lofty interests of the Continent so require;

3. Future Meetings, as in the case of the present one, will have to be convoked under the pressure of events and under emergency conditions which will make it difficult and inadvisable to determine in advance the most appropriate time and country for the Meeting;

4. Prior to the First and the Second Consultative Meetings, the experience and knowledge of the Governing Board of the Pan American Union was resorted to, and in convoking future Meetings, it would be advisable to take advantage of the collaboration of that body,

The Second Meeting of the Ministers of Foreign Affairs of the American Republics

Resolves:

One. The Government which desires to initiate consultation in any of the cases contemplated in the conventions, declarations and resolutions of the Inter-American Conferences, and to propose a Meeting of the Ministers of Foreign Relations or of their representatives, shall address the Governing Board of the Pan American Union indicating the questions with which it desires the consultation to deal, as well as the approximate date on which the Meeting should be held.

Two. The Governing Board shall immediately transmit the request, together with a list of the subjects suggested, to the other Governments, members of the Union, and invite the observations and suggestions which the respective Governments may desire to present.

Three. On the basis of the answers received, the Governing Board of the Pan American Union will determine the date for the Meeting, prepare the appropriate Agenda, and adopt, in accordance with the respective Governments, all other measures advisable for the preparation of the Meeting.

Four. The Governing Board of the Pan American Union shall proceed to draft regulations for Consultative Meetings which shall be submitted to all the American Governments for their approval.

Five. The Third Meeting of the Ministers of Foreign Affairs of the American Republics will be held at Rio de Janeiro, the capital of Brazil.

Six. After the next Meeting, the designation of the country where each Consultative Meeting shall be held, shall be

made by the Governing Board of the Pan American Union in accordance with the procedure set forth in the present resolution.

XX

ACT OF HABANA CONCERNING THE PROVISIONAL ADMINISTRATION OF EUROPEAN COLONIES AND POSSESSIONS IN THE AMERICAS

WHEREAS:

1. The status of regions in this Continent belonging to European powers is a subject of deep concern to all of the Governments of the American Republics;

2. As a result of the present European war there may be attempts at conquest, which has been repudiated in the international relations of the American Republics, thus placing in danger the essence and pattern of the institutions of America;

3. The doctrine of inter-American solidarity agreed upon at the meetings at Lima and at Panama requires the adoption of a policy of vigilance and defense so that systems or regimes in conflict with their institutions shall not upset the peaceful life of the American Republics, the normal functioning of their institutions, or the rule of law and order;

4. The course of military events in Europe and the changes resulting from them may create the grave danger that European territorial possessions in America may be converted into strategic centers of aggression against nations of the American Continent;

The Second Meeting of the Ministers of Foreign Affairs of the American Republics

Declares:

That when islands or regions in the Americas now under the possession of non-American nations are in danger of becoming the subject of barter of territory or change of sovereignty, the American nations, taking into account the imperative need of continental security and the desires of the inhabitants of the said islands or regions, may set up a regime of provisional administration under the following conditions:

(a) That as soon as the reasons requiring this measure shall cease to exist, and in the event that it would not be prejudicial to the safety of the American Republics, such territories shall, in accordance with the principle reaffirmed by this declaration that peoples of this Continent have the right freely to determine their own destinies, be organized as autonomous states if it shall appear that they are able to constitute and maintain themselves in such condition, or be restored to their previous status, whichever of these alternatives shall appear the more practicable and just;

(b) That the regions to which this declaration refers shall be placed temporarily under the provisional administration of the American Republics and this administration shall be exercised with the two-fold purpose of contributing to the security and defense of the Continent, and to the economic, political and social progress of such regions and,

Resolves:

To create an emergency committee, composed of one representative of each of the American Republics, which committee shall be deemed constituted as soon as two-thirds of its members shall have been appointed. Such appointments shall be made by the American Republics as soon as possible.

The committee shall meet on the request of any signatory of this resolution.

If it becomes necessary as an imperative emergency measure before the coming into effect of the convention approved by this Consultative Meeting, to apply its provisions

in order to safeguard the peace of the Continent, taking into account also the desires of the inhabitants of any of the above mentioned regions, the committee shall assume the administration of the region attacked or threatened, acting in accordance with the provisions of the said convention. As soon as the convention comes into effect, the authority and functions exercised by the committee shall be transferred to the Inter-American Commission for Territorial Administration.

Should the need for emergency action be so urgent that action by the committee cannot be awaited, any of the American Republics, individually or jointly with others, shall have the right to act in the manner which its own defense or that of the Continent requires. Should this situation arise, the American Republic or Republics taking action shall place the matter before the committee immediately, in order that it may consider the action taken and adopt appropriate measures.

None of the provisions contained in the present Act refers to territories or possessions which are the subject of dispute or claims between European powers and one or more of the Republics of the Americas.

XVI. Permanent Joint Board on Defense, United States and Canada

(Dept. of State Bulletin, Vol. III, No. 61, August 24, 1940)

The following joint statement was issued by President Roosevelt and the Prime Minister of Canada, W. L. Mackenzie King:

"The Prime Minister and the President have discussed the mutual problems of defense in relation to the safety of Canada and the United States.

"It has been agreed that a Permanent Joint Board on Defense shall be set up at once by the two countries.

"This Permanent Joint Board on Defense shall commence immediate studies relating to sea, land, and air problems including personnel and matériel.

"It will consider in the broad sense the defense of the north half of the Western Hemisphere.

"The permanent Joint Board on Defense will consist of four or five members from each country, most of them from the services. It will meet shortly."

On August 22, 1940, President Roosevelt and Prime Minister Mackenzie King of Canada appointed the following members to serve on the Joint Permanent Board on Defense, United States and Canada, which will hold its first meeting in Ottawa on August 26, 1940:

For the United States:

Hon. Fiorello H. La Guardia, President, United States Conference of Mayors

Lt. Gen. Stanley D. Embick, Commanding the Fourth Corps Area; Headquarters, Atlanta, Ga.

Capt. Harry W. Hill, United States Navy, War Plans Division, Office of Chief of Naval Operations

Comdr. Forrest P. Sherman, United States Navy
Lt. Col. Joseph T. McNarney, United States Army Air
Corps

Mr. John D. Hickerson, Assistant Chief, Division of
European Affairs, Department of State, to be Secretary
of the American section of the Joint Board

For Canada:

Mr. O. M. Biggar, K.C.

Brigadier K. Stuart, D.S.O., M.C., Deputy Chief, General
Staff

Captain L. W. Murray, R.C.N., Deputy Chief, Naval
Staff

Air Commander A. A. L. Cuffe, Air member, Air Staff,
Royal Canadian Air Force

Mr. Hugh L. Keenleyside, Counselor, Department of
External Affairs, to be Secretary of the Canadian sec-
tion of the Joint Board

XVII. The British Fleet

Exchange of Notes Between the Secretary of State and the British Ambassador

(Dept. of State Bulletin, Vol. III: No. 63, September 7, 1940)

On August 29, 1940, the Secretary of State, the Honorable Cordell Hull, sent the following communication to the British Ambassador, the Right Honorable the Marquess of Lothian:

"The Prime Minister of Great Britain is reported to have stated on June 4, 1940, to Parliament in effect that if during the course of the present war in which Great Britain and the British Commonwealth are engaged the waters surrounding the British Isles should become untenable for British ships of war, the British Fleet would in no event be surrendered or sunk but would be sent overseas for the defense of other parts of the Empire.

"The Government of the United States would respectfully inquire whether the foregoing statement represents the settled policy of the British Government.

C. H.

"DEPARTMENT OF STATE,

"Washington, August 29, 1940."

The British Ambassador replied on September 2, 1940, as follows:

"In his *Aide-Memoire* of August 29th, 1940, the Secretary of State enquired whether the Prime Minister's statement in Parliament on June 4th, 1940, regarding the intention of His Majesty's Government in the United Kingdom never to surrender or sink the British Fleet in the event of the waters surrounding the British Isles becoming untenable for His Majesty's Ships 'represents the settled policy of His Majesty's Government'.

"His Majesty's Ambassador is instructed by the Prime Minister to inform Mr. Secretary Hull that this statement certainly does represent the settled policy of His Majesty's Government. Mr. Churchill must however observe that these hypothetical contingencies seem more likely to concern the German fleet or what is left of it than the British Fleet.

L.

"BRITISH EMBASSY,

"WASHINGTON, D. C.,

"September 2nd, 1940."

XVIII. Naval and Air Bases

(Dept. of State Bulletin, Vol. III, No. 63, September 7, 1940)

Arrangement With Great Britain for the Lease of Naval and Air Bases

The texts of the notes exchanged between the British Ambassador at Washington and the Secretary of State on September 2, 1940, under which the Government of the United States acquired the right to lease naval and air bases in Newfoundland, and in the islands of Bermuda, the Bahamas, Jamaica, St. Lucia, Trinidad, and Antigua, and in British Guiana, together with the texts of the message of the President to the Congress and the opinion of the Attorney General dated August 27, 1940, regarding the authority of the President to consummate this arrangement, are as follows:

The British Ambassador to the Secretary of State

BRITISH EMBASSY,
Washington, D. C.,
September 2, 1940.

SIR:

I have the honour under instructions from His Majesty's Principal Secretary of State for Foreign Affairs to inform you that in view of the friendly and sympathetic interest of His Majesty's Government in the United Kingdom in the national security of the United States and their desire to strengthen the ability of the United States to cooperate effectively with the other nations of the Americas in the defence of the Western Hemisphere, His Majesty's Government will secure the grant to the Government of the United States, freely and without consideration, of the lease for immediate

establishment and use of naval and air bases and facilities for entrance thereto and the operation and protection thereof, on the Avalon Peninsula and on the southern coast of Newfoundland, and on the east coast and on the Great Bay of Bermuda.

Furthermore, in view of the above and in view of the desire of the United States to acquire additional air and naval bases in the Caribbean and in British Guiana, and without endeavouring to place a monetary or commercial value upon the many tangible and intangible rights and properties involved, His Majesty's Government will make available to the United States for immediate establishment and use naval and air bases and facilities for entrance thereto and the operation and protection thereof, on the eastern side of the Bahamas, the southern coast of Jamaica, the western coast of St. Lucia, the west coast of Trinidad in the Gulf of Paria, in the island of Antigua and in British Guiana within fifty miles of Georgetown, in exchange for naval and military equipment and material which the United States Government will transfer to His Majesty's Government.

All the bases and facilities referred to in the preceding paragraphs will be leased to the United States for a period of ninety-nine years, free from all rent and charges other than such compensation to be mutually agreed on to be paid by the United States in order to compensate the owners of private property for loss by expropriation or damage arising out of the establishment of the bases and facilities in question.

His Majesty's Government, in the leases to be agreed upon, will grant to the United States for the period of the leases all the rights, power, and authority within the bases leased, and within the limits of the territorial waters and air spaces adjacent to or in the vicinity of such bases, necessary to provide access to and defence of such bases, and appropriate provisions for their control.

Without prejudice to the above-mentioned rights of the United States authorities and their jurisdiction within the leased areas, the adjustment and reconciliation between the jurisdiction of the authorities of the United States within

these areas and the jurisdiction of the authorities of the territories in which these areas are situated, shall be determined by common agreement.

The exact location and bounds of the aforesaid bases, the necessary seaward, coast and antiaircraft defences, the location of sufficient military garrisons, stores and other necessary auxiliary facilities shall be determined by common agreement.

His Majesty's Government are prepared to designate immediately experts to meet with experts of the United States for these purposes. Should these experts be unable to agree in any particular situation, except in the case of Newfoundland and Bermuda, the matter shall be settled by the Secretary of State of the United States and His Majesty's Secretary of State for Foreign Affairs.

I have [etc.]

LOTHIAN

The Honourable CORDELL HULL,

*Secretary of State of the United States,
Washington, D. C.*

*The Secretary of State to the British
Ambassador*

DEPARTMENT OF STATE,
Washington, September 2, 1940.

EXCELLENCY:

I have received your note of September 2, 1940, of which the text is as follows:

[Here follows text of the note, printed above.]

I am directed by the President to reply to your note as follows:

The Government of the United States appreciates the declarations and the generous action of His Majesty's Government as contained in your communication which are destined to enhance the national security of the United States and greatly to strengthen its ability to cooperate effectively with the other nations of the Americas in the defense of the Western Hemisphere. It therefore gladly accepts the proposals.

The Government of the United States will immediately designate experts to meet with experts designated by His Majesty's Government to determine upon the exact location of the naval and air bases mentioned in your communication under acknowledgment.

In consideration of the declarations above quoted, the Government of the United States will immediately transfer to His Majesty's Government fifty United States Navy destroyers generally referred to as the twelve hundred-ton type.

Accept [etc.]

CORDELL HULL

His Excellency

The Right Honorable

THE MARQUESS OF LOTHIAN, C.H.,

British Ambassador.

Message of the President

TO THE CONGRESS OF THE UNITED STATES:

I transmit herewith for the information of the Congress notes exchanged between the British Ambassador at Washington and the Secretary of State on September 2, 1940, under which this Government has acquired the right to lease naval and air bases in Newfoundland, and in the islands of Bermuda, the Bahamas, Jamaica, St. Lucia, Trinidad, and Antigua, and in British Guiana; also a copy of an opinion of the Attorney General dated August 27, 1940, regarding my authority to consummate this arrangement.

The right to bases in Newfoundland and Bermuda are gifts—generously given and gladly received. The other bases mentioned have been acquired in exchange for fifty of our over-age destroyers.

This is not inconsistent in any sense with our status of peace. Still less is it a threat against any nation. It is an epochal and far-reaching act of preparation for continental defense in the face of grave danger.

Preparation for defense is an inalienable prerogative of a sovereign state. Under present circumstances this exercise of sovereign right is essential to the maintenance of

our peace and safety. This is the most important action in the reinforcement of our national defense that has been taken since the Louisiana Purchase. Then as now, considerations of safety from overseas attack were fundamental.

The value to the Western Hemisphere of these outposts of security is beyond calculation. Their need has long been recognized by our country, and especially by those primarily charged with the duty of charting and organizing our own naval and military defense. They are essential to the protection of the Panama Canal, Central America, the Northern portion of South America, The Antilles, Canada, Mexico, and our own Eastern and Gulf Seaboards. Their consequent importance in hemispheric defense is obvious. For these reasons I have taken advantage of the present opportunity to acquire them.

FRANKLIN D. ROOSEVELT

THE WHITE HOUSE,
September 3, 1940.

Opinion of the Attorney General

AUGUST 27, 1940.

THE PRESIDENT,
The White House,

MY DEAR MR. PRESIDENT:

In accordance with your request I have considered your constitutional and statutory authority to proceed by Executive Agreement with the British Government immediately to acquire for the United States certain off-shore naval and air bases in the Atlantic Ocean without awaiting the inevitable delays which would accompany the conclusion of a formal treaty.

The essential characteristics of the proposal are:

(a) The United States to acquire rights for immediate establishment and use of naval and air bases in Newfoundland, Bermuda, the Bahamas, Jamaica, St. Lucia, Trinidad and British Guiana; such rights to endure for a period of 99 years and to include adequate provisions for access to, and

defense of, such bases and appropriate provisions for their control.

(b) In consideration it is proposed to transfer to Great Britain the title and possession of certain over-age ships and obsolescent military materials now the property of the United States, and certain other small patrol boats which though nearly completed are already obsolescent.

(c) Upon such transfer all obligation of the United States is discharged. The acquisition consists only of rights, which the United States may exercise or not at its option, and if exercised may abandon without consent. The privilege of maintaining such bases is subject only to limitations necessary to reconcile United States use with the sovereignty retained by Great Britain. Our government assumes no responsibility for civil administration of any territory. It makes no promise to erect structures, or maintain forces at any point. It undertakes no defense of the possessions of any country. In short it acquires optional bases which may be developed as Congress appropriates funds therefor, but the United States does not assume any continuing or future obligation, commitment or alliance.

The questions of constitutional and statutory authority, with which alone I am concerned, seem to be these.

First. May such an acquisition be concluded by the President under an Executive Agreement or must it be negotiated as a Treaty subject to ratification by the Senate?

Second. Does authority exist in the President to alienate the title to such ships and obsolescent materials, and if so, on what conditions?

Third. Do the statutes of the United States limit the right to deliver the so-called "mosquito boats" now under construction or the over-age destroyers by reason of the belligerent status of Great Britain?

I

There is, of course, no doubt concerning the authority of the President to negotiate with the British Government for the proposed exchange. The only questions that might be raised in connection therewith are (1) whether the arrangement must be put in the form of a treaty and await

ratification by the Senate or (2) whether there must be additional legislation by the Congress. Ordinarily (and assuming the absence of enabling legislation) the question whether such an agreement can be concluded under Presidential authority or whether it must await ratification by a two-thirds vote of the United States Senate involves consideration of two powers which the Constitution vests in the President.

One of these is the power of the Commander-in-Chief of the Army and Navy of the United States, which is conferred upon the President by the Constitution but is not defined or limited. Happily, there has been little occasion in our history for the interpretation of the powers of the President as Commander-in-Chief of the Army and Navy. I do not find it necessary to rest upon that power alone to sustain the present proposal. But it will hardly be open to controversy that the vesting of such a function in the President also places upon him a responsibility to use all constitutional authority which he may possess to provide adequate bases and stations for the utilization of the naval and air weapons of the United States at their highest efficiency in our defense. It seems equally beyond doubt that present world conditions forbid him to risk any delay that is constitutionally avoidable.

The second power to be considered is that control of foreign relations which the Constitution vests in the President as a part of the Executive function. The nature and extent of this power has recently been explicitly and authoritatively defined by Mr. Justice Sutherland, writing for the Supreme Court. In 1936, in *United States v. Curtiss-Wright Export Corp. et al.*, 299 U. S. 304, he said:

"It is important to bear in mind that we are here dealing not alone with an authority vested in the President by an exertion of legislative power, but with such an authority plus the very delicate, plenary and exclusive power of the President as the sole organ of the federal government in the field of international relations—a power which does not require as a basis for its exercise an act of Congress, but which, of course, like every other governmental power, must be exercised in subordination to the applicable provisions of

the Constitution. It is quite apparent that if, in the maintenance of our international relations, embarrassment—perhaps serious embarrassment—is to be avoided and success for our aims achieved, congressional legislation which is to be made effective through negotiation and inquiry within the international field must often accord to the President a degree of discretion and freedom from statutory restriction which would not be admissible were domestic affairs alone involved. Moreover, he, not Congress, has the better opportunity of knowing the conditions which prevail in foreign countries, and especially is this true in time of war. He has his confidential sources of information. He has his agents in the form of diplomatic consular and other officials. Secrecy in respect of information gathered by them may be highly necessary, and the premature disclosure of it productive of harmful results.”

The President’s power over foreign relations while “delicate, plenary and exclusive” is not unlimited. Some negotiations involve commitments as to the future which would carry an obligation to exercise powers vested in the Congress. Such Presidential arrangements are customarily submitted for ratification by a two-thirds vote of the Senate before the future legislative power of the country is committed. However, the acquisitions which you are proposing to accept are without express or implied promises on the part of the United States to be performed in the future. The consideration, which we later discuss, is completed upon transfer of the specified items. The Executive Agreement obtains an opportunity to establish naval and air bases for the protection of our coastline but it imposes no obligation upon the Congress to appropriate money to improve the opportunity. It is not necessary for the Senate to ratify an opportunity that entails no obligation.

There are precedents which might be cited, but not all strictly pertinent. The proposition falls far short in magnitude of the acquisition by President Jefferson of the Louisiana Territory from a belligerent during a European war, the Congress later appropriating the consideration and the Senate later ratifying a treaty embodying the agreement.

I am also reminded that in 1850, Secretary of State Daniel Webster acquired Horse Shoe Reef, at the entrance of Buffalo Harbor, upon condition that the United States would engage to erect a lighthouse and maintain a light but would erect no fortification thereon. This was done without awaiting legislative authority. Subsequently the Congress made appropriations for the lighthouse, which was erected in 1856. *Malloy, Treaties and Conventions*, Vol. 1, p. 663.

It is not believed, however, that it is necessary here to rely exclusively upon your constitutional power. As pointed out hereinafter (in discussing the second question), I think there is also ample statutory authority to support the acquisition of these bases, and the precedents perhaps most nearly in point are the numerous acquisitions of rights in foreign countries for sites of diplomatic and consular establishments—perhaps also the trade agreements recently negotiated under statutory authority and the acquisition in 1903 of the coaling and naval stations and rights in Cuba under the act of March 2, 1901, c. 803, 31 Stat. 895, 898. In the last-mentioned case the agreement was subsequently embodied in a treaty but it was only one of a number of undertakings, some clearly of a nature to be dealt with ordinarily by treaty, and the statute had required “that by way of further assurance the government of Cuba will embody the foregoing provisions in a permanent treaty with the United States.”

The transaction now proposed represents only an exchange with no statutory requirement for the embodiment thereof in any treaty and involving no promises or undertakings by the United States that might raise the question of the propriety of incorporation in a treaty. I therefore advise that acquisition by Executive Agreement of the rights proposed to be conveyed to the United States by Great Britain will not require ratification by the Senate.

II

The right of the President to dispose of vessels of the Navy and unneeded naval material finds clear recognition in at least two enactments of the Congress and a decision of

the Supreme Court—and any who assert that the authority does not exist must assume the burden of establishing that both the Congress and the Supreme Court meant something less than the clear import of seemingly plain language.

By section 5 of the act of March 3, 1883, c. 141, 22 Stat. 582, 599–600 (U. S. C., title 34, sec. 492), the Congress placed restrictions upon the methods to be followed by the Secretary of the Navy in disposing of naval vessels, which have been found unfit for further use and stricken from the naval registry, but by the last clause of the section recognized and confirmed such a right in the President free from such limitations. It provides:

“But no vessel of the Navy shall hereafter be sold in any other manner than herein provided, or for less than such appraised value, *unless the President of the United States shall otherwise direct in writing.*” (Underscoring [this print, italics] supplied.)

In *Levinson v. United States*, 285 U. S. 198, 201, the Supreme Court said of this statute that “the power of the President to direct a departure from the statute is not confined to a sale for less than the appraised value but extends to the manner of the sale,” and that “the word ‘unless’ qualifies both the requirements of the concluding clause.”

So far as concerns this statute, in my opinion it leaves the President as Commander-in-Chief of the Navy free to make such disposition of naval vessels as he finds necessary in the public interest, and I find nothing that would indicate that the Congress has tried to limit the President’s plenary powers to vessels already stricken from the naval registry. The President, of course, would exercise his powers only under the high sense of responsibility which follows his rank as Commander-in-Chief of his nation’s defense forces.

Furthermore, I find in no other statute or in the decisions any attempted limitations upon the plenary powers of the President as Commander-in-Chief of the Army and Navy and as the head of the State in its relations with foreign countries to enter into the proposed arrangements for the transfer to the British Government of certain over-age destroyers and obsolescent military material except the limi-

tations recently imposed by section 14 (a) of the act of June 28, 1940 (Public No. 671). This section, it will be noted, clearly recognizes the authority to make transfers and seeks only to impose certain restrictions thereon. The section reads as follows:

"SEC. 14. (a) Notwithstanding the provision of any other law, no military or naval weapon, ship, boat, aircraft, munitions, supplies, or equipment, to which the United States has title, in whole or in part, or which have been contracted for, shall hereafter be transferred, exchanged, sold, or otherwise disposed of in any manner whatsoever unless the Chief of Naval Operations in the case of naval material, and the Chief of Staff of the Army in the case of military material, shall first certify that such material is not essential to the defense of the United States."

Thus to prohibit action by the constitutionally-created Commander-in-Chief except upon authorization of a statutory officer subordinate in rank is of questionable constitutionality. However, since the statute requires certification only of matters as to which you would wish, irrespective of the statute, to be satisfied, and as the legislative history of the section indicates that no arbitrary restriction is intended, it seems unnecessary to raise the question of constitutionality which such a provision would otherwise invite.

I am informed that the destroyers involved here are the survivors of a fleet of over 100 built at about the same time and under the same design. During the year 1930, 58 of these were decommissioned with a view toward scrapping and a corresponding number were recommissioned as replacements. Usable material and equipment from the 58 vessels removed from the service were transferred to the recommissioned vessels to recondition and modernize them, and other usable material and equipment were removed and the vessels stripped. They were then stricken from the navy register, and 50 of them were sold as scrap for prices ranging from \$5,260 to \$6,800 per vessel, and the remaining 8 were used for such purposes as target vessels, experimental construction tests, and temporary barracks. The surviving destroyers now under consideration

have been reconditioned and are in service, but all of them are over-age, most of them by several years.

In construing this statute in its application to such a situation it is important to note that this subsection as originally proposed in the Senate bill provided that the appropriate staff officer shall first certify that "such material is not essential to and cannot be used in the defense of the United States." Senator Barkley and others objected to the subsection as so worded on the ground that it would prevent the release and exchange of surplus or used planes and other supplies for sale to the British and that it would consequently nullify the provisions of the bill (see section 1 of the act of July 2, 1940, H. R. 9850, Public No. 703) which the Senate had passed several days earlier for that very purpose. Although Senator Walsh stated that he did not think the proposed subsection had that effect, he agreed to strike out the words "and cannot be used." Senator Barkley observed that he thought the modified language provided "a much more elastic term." Senator Walsh further stated that he would bear in mind in conference the views of Senator Barkley and others, and that he had "no desire or purpose to go beyond the present law, but to have some certificate filed as to whether the property is surplus or not." (Cong. Rec., June 21, 1940, pp. 13370-13371)

In view of this legislative history it is clear that the Congress did not intend to prevent the certification for transfer, exchange, sale or disposition of property merely because it is still used or usable or of possible value for future use. The statute does not contemplate mere transactions in scrap, yet exchange or sale except as scrap would hardly be possible if confined to material whose usefulness is entirely gone. It need only be certified as not essential, and "essential," usually the equivalent of vital or indispensable, falls far short of "used" or "usable."

Moreover, as has been indicated, the congressional authorization is not merely of a sale, which might imply only a cash transaction. It also authorizes equipment to be "transferred", "exchanged" or "otherwise disposed of"; and in connection with material of this kind for which there is no open market value is never absolute but only relative—

and chiefly related to what may be had in exchange or replacement.

In view of the character of the transactions contemplated, as well as the legislative history, the conclusion is inescapable that the Congress has not sought by section 14 (a) to impose an arbitrary limitation upon the judgment of the highest staff officers as to whether a transfer, exchange or other disposition of specific items would impair our essential defenses: Specific items must be weighed in relation to our total defense position before and after an exchange or disposition. Any other construction would be a virtual prohibition of any sale, exchange or disposition of material or supplies so long as they were capable of use, however ineffective, and such a prohibition obviously was not, and was not intended to be, written into the law.

It is my opinion that in proceeding under section 14 (a) appropriate staff officers may and should consider remaining useful life, strategic importance, obsolescence, and all other factors affecting defense value, not only with respect to what the Government of the United States gives up in any exchange or transfer, but also with respect to what the Government receives. In this situation good business sense is good legal sense.

I therefore advise that the appropriate staff officers may, and should, certify under section 14 (a) that ships and material involved in a sale or exchange are not essential to the defense of the United States if in their judgment the consummation of the transaction does not impair or weaken the total defense of the United States, and certainly so where the consummation of the arrangement will strengthen the total defensive position of the nation.

With specific reference to the proposed agreement with the Government of Great Britain for the acquisition of naval and air bases, it is my opinion that the Chief of Naval Operations may, and should, certify under section 14 (a) that the destroyers involved are not essential to the defense of the United States if in his judgment the exchange of such destroyers for such naval and air bases will strengthen rather than impair the total defense of the United States.

I have previously indicated that in my opinion there is statutory authority for the acquisition of the naval and air bases in exchange for the vessels and material. The question was not more fully treated at that point because dependent upon the statutes above discussed and which required consideration in this section of the opinion. It is to be borne in mind that these statutes clearly recognize and deal with the authority to make dispositions by sale, transfer, exchange or otherwise; that they do not impose any limitations concerning individuals, corporations or governments to which such dispositions may be made; and that they do not specify or limit in any manner the consideration which may enter into an exchange. There is no reason whatever for holding that sales may not be made to or exchanges made with a foreign government or that in such a case a treaty is contemplated. This is emphasized when we consider that the transactions in some cases may be quite unimportant, perhaps only dispositions of scrap, and that a domestic buyer (unless restrained by some authorized contract or embargo) would be quite free to dispose of his purchase as he pleased. Furthermore, section 14 (a) of the act of June 28, 1940, *supra*, was enacted by the Congress in full contemplation of transfers for ultimate delivery to foreign belligerent nations. Possibly it may be said that the authority for exchange of naval vessels and material presupposes the acquisition of something of value to the Navy or, at least, to the national defense. Certainly I can imply no narrower limitation when the law is wholly silent in this respect. Assuming that there is, however, at least the limitation which I have mentioned, it is fully met in the acquisition of rights to maintain needed bases. And if, as I hold, the statute law authorizes the exchange of vessels and material for other vessels and material or, equally, for the right to establish bases, it is an inescapable corollary that the statute law also authorizes the acquisition of the ships or material or bases which form the consideration for the exchange.

III

Whether the statutes of the United States prevent the dispatch to Great Britain, a belligerent power, of the so-

called "mosquito boats" now under construction or the over-age destroyers depends upon the interpretation to be placed on section 3 of title V of the act of June 15, 1917, c. 30, 40 Stat. 217, 222. This section reads:

"During a war in which the United States is a neutral nation, it shall be unlawful to send out of the jurisdiction of the United States any vessel, built, armed, or equipped as a vessel of war, or converted from a private vessel into a vessel of war, with any intent or under any agreement or contract, written or oral, that such vessel shall be delivered to a belligerent nation, or to an agent, officer, or citizen of such nation, or with reasonable cause to believe that the said vessel shall or will be employed in the service of any such belligerent nation after its departure from the jurisdiction of the United States."

This section must be read in the light of section 2 of the same act and the rules of international law which the Congress states that it was its intention to implement. (H. Rep. No. 30, 65th Cong., 1st Sess., p. 9.) So read, it is clear that it is inapplicable to vessels, like the over-age destroyers, which were not built, armed, equipped as, or converted into, vessels of war with the intent that they should enter the service of a belligerent. If the section were not so construed, it would render meaningless section 2 of the act which authorizes the President to detain any armed vessel until he is satisfied that it will not engage in hostile operations before it reaches a neutral or belligerent port. The two sections are intelligible and reconcilable only if read in light of the traditional rules of international law. These are clearly stated by Oppenheim in his work on *International Law*, 5th ed., Vol. 2, sec. 334, pp. 574-576:

"Whereas a neutral is in no wise obliged by his duty of impartiality to prevent his subjects from selling armed vessels to the belligerents, such armed vessels being merely contraband of war, a neutral is bound to employ the means at his disposal to prevent his subjects from building, fitting out, or arming, to the order of either belligerent, vessels intended to be used as men-of-war, and to prevent the departure from his jurisdiction of any vessel which, by order of either belligerent, has been adapted to warlike use. The

difference between selling armed vessels to belligerents and building them to order is usually defined in the following way:

“An armed ship, being contraband of war, is in no wise different from other kinds of contraband, provided that she is not manned in a neutral port, so that she can commit hostilities at once after having reached the open sea. A subject of a neutral who builds an armed ship, or arms a merchantman, not to the order of a belligerent, but intending to sell her to a belligerent, does not differ from a manufacturer of arms who intends to sell them to a belligerent. There is nothing to prevent a neutral from allowing his subjects to sell armed vessels, and to deliver them to belligerents, either in a neutral port or in a belligerent port * * *.

“On the other hand, if a subject of a neutral builds armed ships *to the order of a belligerent*, he prepares the means of naval operations, since the ships, on sailing outside the neutral territorial waters and taking in a crew and ammunition, can at once commit hostilities. Thus, through the carrying out of the order of the belligerent, the neutral territory has been made the base of naval operations; and as the duty of impartiality includes an obligation to prevent either belligerent from making neutral territory the base of military or naval operations, a neutral violates his neutrality by not preventing his subjects from carrying out an order of a belligerent for the building and fitting out of men-of-war. This distinction, although of course logically correct, is hair-splitting. But as, according to the present law, neutral States need not prevent their subjects from supplying arms and ammunition to belligerents, it will probably continue to be drawn.”

Viewed in the light of the above, I am of the opinion that this statute does prohibit the release and transfer to the British Government of the so-called “mosquito boats” now under construction for the United States Navy. If these boats were released to the British Government, it would be legally impossible for that Government to take them out of this country after their completion, since to the extent of such completion at least they would have been built,

armed, or equipped with the intent, or with reasonable cause to believe, that they would enter the service of a belligerent after being sent out of the jurisdiction of the United States.

This will not be true, however, with respect to the over-age destroyers, since they were clearly not built, armed, or equipped with any such intent or with reasonable cause to believe that they would ever enter the service of a belligerent.

In this connection it has been noted that during the war between Russia and Japan in 1904 and 1905, the German Government permitted the sale to Russia of torpedo boats and also of ocean liners belonging to its auxiliary navy. See Wheaton's International Law, 6th ed. (Keith), Vol. 2, p. 977.

IV

Accordingly, you are respectfully advised:

(a) That the proposed arrangement may be concluded as an Executive Agreement, effective without awaiting ratification.

(b) That there is presidential power to transfer title and possession of the proposed considerations upon certification by appropriate staff officers.

(c) That the dispatch of the so-called "mosquito boats" would constitute a violation of the statute law of the United States, but with that exception there is no legal obstacle to the consummation of the transaction, in accordance, of course, with the applicable provisions of the Neutrality Act as to delivery.

Respectfully submitted,

ROBERT H. JACKSON,
Attorney General.

XIX. United States Naval Policy

(Approved and issued by the Secretary of the Navy,
September 14, 1940)

Naval policy is the system of principles, and the general terms of their application, governing the development, organization, maintenance, training and employment of a navy. It is based on and is designed to support national policies and interests. It comprehends questions of character, number and distribution of naval forces and shore activities; of the number and qualifications of personnel; and of the character of peace and war strategy and operations.

Fundamental Policy

To maintain the Navy in strength and readiness to uphold national policies and interests, and to guard the United States and its continental and overseas possessions.

General Policies

To develop the Navy to a maximum in fighting strength and ability to control the sea in defense of the nation and its interests.

To make effectiveness in war the objective of all development and training.

To organize and maintain the Navy for major operations in both the Atlantic and Pacific Oceans.

To maintain and develop naval aviation as an integral part of the naval forces.

To maintain the Marine Corps in such strength as to provide the requisite fleet marine force and detachments for other naval purposes.

To develop and maintain shore activities, including bases suitably located and defended, for the support of the mobile forces.

To locate shore activities in such geographical areas and construct them in such sites and in such manner as will promote security against air and other attack; and to apply this policy to existing activities as practicable.

To advance the art of naval warfare and to promote the development of naval material.

To maintain and train the officer and enlisted personnel requisite for the regular establishment and to provide for the procurement and training of the personnel required for the expanded war organization.

To plan the procurement of materiel to meet war-time needs and to foster civil industries and activities useful in war.

To exercise economy in expenditures as compatible with efficiency.

To make systematic inspections of naval activities and materiel.

To encourage the growth of the merchant marine and of commercial aviation.

To cooperate fully with other departments and agencies of the government.

Fleet Building and Maintenance Policy

To keep the fleet at the required strength, balanced as to types of ships, by a continuing building program.

To make superiority in their types the end in view in the design and construction of all naval vessels and aircraft.

To keep characteristics and designs for ships and aircraft up to date.

To maintain all ships and aircraft at the maximum of material readiness and fighting efficiency consistent with their age and military value, incorporating such improvements as are duly warranted.

Combatant Ships

To build capital ships, carriers, cruisers, destroyers, mine layers, submarines and other combatant types in numbers adequate to maintain a well-balanced fleet of the required strength in under-age vessels.

Aircraft

To build and maintain aircraft in numbers and classes adequate for the fleet requirements and for all other essential naval purposes.

To build and maintain nonrigid airships for coastal patrol and for other naval uses.

To build and maintain rigid airships as necessary to explore and develop their usefulness for naval purposes; and to cooperate with other agencies in developing commercial airships.

Auxiliary Vessels

To build or acquire and to maintain the minimum number of auxiliary vessels of the several types needed for the normal operation of the fleet, and for the maintenance, supply and potential defense of outlying bases and stations.

To cooperate with other government departments and agencies in planning for and in designing new merchant and government vessels which can be utilized as naval auxiliaries.

To maintain plans for rapid acquisition and effective conversion of merchant vessels for naval use in time of war.

Minor War Vessels and Small Craft

To build or acquire and to maintain such minor war vessels and small craft as required for naval districts and special service, developing suitable types as necessary.

Fleet Operating Policy

To keep in commission, fully manned and in active training, the number of ships necessary to provide a fleet of required strength in all types.

To organize the forces afloat to obtain maximum flexibility, mobility and effectiveness in strategical and tactical operations.

To give full effect to established command principles, stressing unity of command and appropriate decentralization in both execution and administration.

To operate forces afloat under balanced schedules formulated to secure excellence in strategy and tactics, gunnery, engineering and other technical performance, and in material upkeep; and also to promote proficiency, contentment and discipline of personnel.

To keep the United States Fleet strategically disposed and to assemble the fleet for a period of

not less than two months annually for advanced training.

To operate and maintain the Asiatic Fleet and other detached forces in readiness for incorporation into the United States Fleet.

To make foreign cruises for cultivation of friendly international relations and for varied training of personnel.

To operate a naval train and a supply service sufficient for the upkeep and mobility of the forces afloat and for the maintenance and supply of outlying bases and stations.

To assign suitable vessels and facilities for training Naval Reserves.

To operate vessels necessary for surveying strategical and commercial areas outside the coastal limits of the United States and its possessions.

Shore Activities Policy

To develop two main bases on each coast and one in Hawaii.

To develop air and other essential bases, coastal and outlying, for the support of naval operations.

To maintain a system of naval districts and corresponding district forces for the control and security of district waters, coastwise sea lanes, and adjacent sea areas; for cooperation with the fleet; and for the coordinated administration and protection of naval bases, navy yards, and other naval activities within the particular district.

To maintain all navy yards and naval industrial plants in such condition of readiness as to sustain the fleet in war.

To construct such naval vessels in navy yards as necessary to assure the continued availability of experienced technical personnel.

To encourage civil industries and activities useful in war.

To insure the effective availability of private shipbuilding and other private industrial plants for the national defense by a continuing program of naval construction therein.

To procure and maintain suitable facilities for the training of naval and Marine Corps personnel, including reserves.

To maintain and operate the facilities necessary for the collection and dissemination of hydrographic, astronomical, and aerological information essential to the Navy and useful to governmental and commercial interests.

Personnel Policy

To maintain the personnel at a high standard of efficiency and in sufficient numbers to meet the requirements of the naval service.

To develop and coordinate systematic courses of instruction and training for officer and enlisted personnel.

To assign officers to duty in foreign countries to broaden their professional education.

To maintain a reasonable excess of petty officers and noncommissioned officers over peacetime requirements in order to facilitate wartime expansion.

To restrict the transfer of personnel to that compatible with a high degree of training, morale, professional experience, and service efficiency.

To build up, train, and maintain Naval and Marine Corps Reservists to provide for mobilization.

To cultivate close relations of personnel of the Navy and Marine Corps with the Reserves.

Communications Policy

To provide and maintain a naval communication system based on war requirements.

To operate the communication facilities as required, primarily, by the current operating force plan and for direct communication with overseas possessions.

To continue the use of naval communication facilities to increase safety at sea and in the air, including adequate communication with the United States Merchant Marine and commercial aircraft flying overseas.

To cooperate with American commercial communication activities so as to enhance their military value in time of national emergency and to safeguard the communication interests of the United States.

Information Policy

To acquire accurate information concerning the political, military, naval, economic and industrial policies and activities of all countries.

To analyze and preserve information for ready reference and for historical purposes.

To disseminate useful information systematically throughout the naval service and to other government departments and agencies.

To provide protection against espionage and sabotage in cooperation with other departments and agencies.

To keep the public informed of the activities of the Navy, as compatible with military security.

Matériel Policy

To plan, in cooperation with other government departments and agencies, and with industry, for timely procurement of supplies and munitions necessary to maintain and augment the mobilized Navy.

To procure and maintain reserves of supplies and munitions in quantities to cover essential requirements beyond the productive capacity initially available in an emergency.

To procure and maintain, in cooperation with other government departments and agencies, adequate stocks of strategic raw materials.

To cooperate with other government departments and agencies, and with private industry, in the development of standards and specifications and of inspection organizations, methods, and procedures.

To promote by continuous research and investigation the application of scientific discoveries and technical invention to the improvement of naval matériel.

XX. Germany-Italy-Japan

(Signed at Berlin, September 27, 1940. New York Times, September 28, 1940)

The governments of Germany, Italy and Japan, considering it as a condition precedent of any lasting peace that all nations of the world be given each its own proper place, have decided to stand by and co-operate with one another in regard to their efforts in greater East Asia and regions of Europe respectively wherein it is their prime purpose to establish and maintain a new order of things calculated to promote the mutual prosperity and welfare of the peoples concerned.

Furthermore, it is the desire of the three governments to extend co-operation to such nations in other spheres of the world as may be inclined to put forth endeavors along lines similar to their own, in order that their ultimate aspirations for world peace may thus be realized.

Accordingly, the governments of Germany, Italy and Japan have agreed as follows:

ARTICLE ONE

Japan recognizes and respects the leadership of Germany and Italy in establishment of a new order in Europe.

ARTICLE TWO

Germany and Italy recognize and respect the leadership of Japan in the establishment of a new order in greater East Asia.

ARTICLE THREE

Germany, Italy and Japan agree to co-operate in their efforts on aforesaid lines. They further undertake to assist one another with all political, economic and military means when one of the three contracting powers is attacked by a power at present not involved in the European war or in the Chinese-Japanese conflict.

ARTICLE FOUR

With the view to implementing the present pact, joint technical commissions, members which are to be appointed by the respective governments of Germany, Italy and Japan will meet without delay.

ARTICLE FIVE

Germany, Italy and Japan affirm that the aforesaid terms do not in any way affect the political status which exists at present as between each of three contracting parties and Soviet Russia.

ARTICLE SIX

The present pact shall come into effect immediately upon signature and shall remain in force 10 years from the date of its coming into force. At the proper time before expiration of said term, the high contracting parties shall at the request of any of them enter into negotiations for its renewal.

In faith whereof, the undersigned duly authorized by their respective governments have signed this pact and have affixed hereto their signatures.

Done in triplicate at Berlin, the 27th day of September, 1940, in the 18th year of the fascist era, corresponding to the 27th day of the ninth month of the 15th year of Showa (the reign of Emperor Hirohito).

XXI. Airplane Travel in Combat Area

(Federal Register, Vol. V, 2209)

The following regulation has been codified under Title 22: Foreign Relations (Chapter I: Department of State; Subchapter C: Neutrality; Part 156: Travel), in accordance with the requirements of the *Federal Register* and the *Code of Federal Regulations*:

§ 156.7 *Airplanes belonging to Pan American Airways, Incorporated, etc.* Airplanes belonging to Pan American Airways, Incorporated, and American citizens, members of the crew or passengers, traveling thereon, when proceeding between Lisbon and African ports south of 30° north latitude, may henceforth proceed into and through that portion of the combat area defined by the President in his proclamation numbered 2410, of June 11, 1940, which is bounded as follows:

Beginning at the intersection of the coast of Portugal with the meridian of 8°55' west longitude;

Thence due south to the parallel of 33°10' north latitude;

Thence due west to the meridian of 20° west longitude;

Thence due north to the parallel of 37°05' north latitude;

Thence due east to the coast of Portugal.

(54 Stat. 7; 22 U. S. C., Supp. V, 245j-2; Proc. No. 2410, June 11, 1940)

CORDELL HULL,
Secretary of State.

OCTOBER 28, 1940.

XXII. The Neutrality of the United States in the War Between Italy and Greece

(Dept. of State Bulletin, Vol. III, No. 73, November 16, 1940)

PROCLAMATION OF A STATE OF WAR BETWEEN ITALY AND GREECE

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

WHEREAS section 1 of the joint resolution of Congress approved November 4, 1939, provides in part as follows:

“That whenever the President, or the Congress by concurrent resolution, shall find that there exists a state of war between foreign states, and that it is necessary to promote the security or preserve the peace of the United States or to protect the lives of citizens of the United States, the President shall issue a proclamation naming the states involved; and he shall, from time to time, by proclamation, name other states as and when they may become involved in the war.”

AND WHEREAS it is further provided by section 13 of the said joint resolution that

“The President may, from time to time, promulgate such rules and regulations, not inconsistent with law, as may be necessary and proper to carry out any of the provisions of this joint resolution; and he may exercise any power or authority conferred on him by this joint resolution through such officer or officers, or agency or agencies, as he shall direct.”

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, acting under and by virtue of the authority conferred on

me by the said joint resolution, do hereby proclaim that a state of war unhappily exists between Italy and Greece, and that it is necessary to promote the security and preserve the peace of the United States and to protect the lives of citizens of the United States.

AND I do hereby enjoin upon all officers of the United States, charged with the execution of the laws thereof, the utmost diligence in preventing violation of the said joint resolution and in bringing to trial and punishment any offenders against the same.

AND I do hereby delegate to the Secretary of State the power to exercise any power or authority conferred on me by the said joint resolution, as made effective by this my proclamation issued thereunder, which is not specifically delegated by Executive order to some other officer or agency of this Government, and the power to promulgate such rules and regulations not inconsistent with law as may be necessary and proper to carry out any of its provisions.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States of America to be affixed.

DONE at the City of Washington this fifteenth day of November in the year of our Lord nineteen hundred and forty, and of the
[SEAL] Independence of the United States of America the one hundred and sixty-fifth.

FRANKLIN D. ROOSEVELT

By the President:

CORDELL HULL,

Secretary of State.

PROCLAIMING THE NEUTRALITY OF THE UNITED
STATES IN THE WAR BETWEEN ITALY, ON THE ONE
HAND, AND GREECE, ON THE OTHER HAND

WHEREAS a state of war unhappily exists between Italy, on the one hand, and Greece, on the other hand;

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, in order to preserve the neutrality of the United States and of its citizens and of persons within its territory and jurisdiction, and to enforce its laws and treaties, and in order that all persons, being warned of the general tenor of the laws and treaties of the United States in this behalf, and of the law of nations, may thus be prevented from any violation of the same, do hereby declare and proclaim that all of the provisions of my proclamation of September 5, 1939, proclaiming the neutrality of the United States in a war between Germany and France; Poland; and the United Kingdom, India, Australia and New Zealand apply equally in respect to Greece.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States of America to be affixed.

DONE at the City of Washington this fifteenth day of November in the year of our Lord nineteen hundred and forty, and of the Independence of the United States of America the one hundred and sixty-fifth.

FRANKLIN D. ROOSEVELT

By the President:

CORDELL HULL,

Secretary of State.

XXIII. Greenland

(Dept. of State Bulletin, Vol. IV, No. 81, January 11, 1941)

The United States has sent no troops to Greenland nor has it established any air or naval bases in that Danish Colony.

The facts are as follows:

In connection with the signature on August 4, 1916 of the convention with Denmark for the cession of the Danish West Indies, a declaration was made by the Secretary of State to the effect that the United States would not object to the extension by Denmark of her political and economic interests to the whole of Greenland. The United States has taken no action in Greenland which would impair the validity of this declaration.

In 1920 the Government of the United States stated that it would not be disposed to recognize the right of a third government to acquire Greenland should the Danish Government desire to dispose of that territory. The occupation of Denmark by German troops in April 1940 carried with it the potentialities of a new situation with respect to Greenland which required consideration by this Government in the light of the position which it assumed in 1920 and which it has continued to maintain. The occupation of Denmark also led to an approach to the Government of the United States by the Greenland authorities who expressed their concern over the effect upon Greenland of the course of events in Denmark by which Greenland

had been deprived of free communication with Copenhagen, of the possibility of obtaining food and other supplies from Denmark, and of facilities for placing Greenland exports on the Danish market.

In response to this approach and other requests made by the Greenland authorities on their own initiative, the Government of the United States with the full agreement of the Greenland authorities has taken the following steps, none of which has operated to the injury of any legitimate interests:

1. An American Consulate was provisionally established at Godthaab to facilitate the handling of the numerous questions which have arisen with respect to the purchase in the United States of food and other supplies for Greenland and of the sale of Greenland products in this country.

2. An American Red Cross representative was sent to Greenland to determine on the spot and in consultation with the Greenland authorities what relief was needed by the inhabitants of Greenland.

3. In view of the heavy demands from many parts of the world for arms and ammunition manufactured in this country, the Government of the United States has facilitated the purchase in the United States by the Greenland authorities of a quantity of arms for the use of the small number of policemen employed by the Greenland authorities to patrol the cryolite mine at Ivigtut, which is Greenland's major economic asset.

XXIV. Memorandum on "Lease-Lend" Bill by the Secretary of State

(New York Times, January 16, 1941)

The State Department made public a memorandum concerning Secretary Hull's advising the House Foreign Affairs Committee that the "All Out" Aid-to-Britain Bill would not conflict with existing domestic and international law:

The Secretary of State, the Hon. Cordell Hull, testifying before the Committee on Foreign Affairs of the House of Representatives today, was asked about the extent and manner in which the proposed measure, Bill H. R. 1776, affects existing law, both domestic and international. The Secretary of State answered as follows:

Having in mind the provisions of section 3 (a) it follows that:

(1) The Johnson Act

This act would not appear to be involved for the reason that it does not apply to this government, or to a public corporation created by or in pursuance of special authorization of Congress, or to a corporation in which the government has or exercises a controlling interest, as for example the Export-Import Bank.

(2) The Neutrality Act of 1939

Section 7 of this act, which prohibits the extension of loans or credits to a belligerent government, is not by its terms made applicable to this government but it does apply to a corporation such as the Export-Import Bank. In any event the prohibition would be superseded by the new act in so far as transactions by this government are concerned.

(3) United States Code, Title 18

Section 23 makes it unlawful to fit out or arm in the United States a vessel with intent that it shall be employed in the service of a foreign belligerent against a power or people with which the United States are at peace.

Section 24 makes it unlawful to increase or augment in our ports the force of a ship of war or other armed vessel belonging to a belligerent power.

Section 33 makes it unlawful during a war in which the United States is neutral to send out of our jurisdiction any vessel built, armed or equipped as a vessel of war for delivery to a belligerent nation.

These provisions would be superseded by the new act.

(4) The Hague Convention of 1907

Hague convention XIII of 1907 states in Article VI that the supply, in any manner, directly or indirectly, by a neutral power to a belligerent power, or warships, ammunition, or war material of any kind whatever, is forbidden.

Article XVII states that in neutral ports belligerent warships "may only carry out such repairs as are absolutely necessary to render them seaworthy, and may not add in any manner whatsoever to their fighting force."

Article XVIII states that belligerent warships may not make use of neutral ports for "replenishing or increasing their supplies of war material or their armament."

The convention is not applicable to the present European war for the reason that it provides in Article XXVIII that it shall not apply unless "all the belligerents are parties to the convention." Great Britain and Italy are not parties to the convention.

It may be urged that the provisions of the United States Code and the quoted provisions of the Hague Convention are declaratory of international law on the subjects mentioned and that to do the things contemplated by the proposed act would render us unneutral. This would be largely true under ordinary circumstances, but we are not here dealing with an ordinary war situation. Rather we are confronted with a situation that is extraordinary in character.

The rules relating to the rights and duties of neutrals and those relating to the rights and duties of belligerents complement each other; that is to say, belligerents are forbidden to do certain things which infringe the rights of neutrals and neutrals are forbidden to do certain things which prejudice the rights of belligerents.

For example, The Hague Convention just referred to states in Article I that belligerents are bound to respect "the sovereign rights of neutral powers and to abstain, in neutral territory or neutral waters, from any act which would, if knowingly permitted by any power, constitute a violation of neutrality." Belligerents are forbidden to use neutral ports and waters as a base of naval operations against their adversaries. (Article V.)

(5) Reich, Italy "Paid No Attention"

Germany and Italy have paid no attention to such provisions, which are representative of international law on the subject, but have at will and without notice occupied by force the territory of neutral countries, and, having subjugated those countries, are using their territories against their adversaries.

One of these countries, namely Denmark, had a formal treaty, signed May 31, 1939, with Germany by which it was agreed that in no case would force be resorted to; another, namely Norway, had a formal assurance, on September 4, 1939, from the German Government that under no circumstances would Germany interfere with Norway's inviolability and integrity and that Norwegian territory would be respected.

Neither agreement nor the law of neutrality served as any protection to these and other countries when it suited the convenience of the belligerents to occupy their territories. Nothing but force has prevented these belligerents from carrying out their preconceived determination to conquer and subjugate other peaceful countries and peoples.

Their purpose of world-wide conquest has been boldly proclaimed. They readily admit that their philosophy is inconsistent with and directly opposed to that of the democracies and insist that the latter is outmoded and must give

way to their own notions regarding the conduct of international relations.

Having in mind what has taken place and is taking place under our very eyes, it is idle for us to rely on the rules of neutrality or to feel that they afford us the slightest degree of security or protection. Nothing but a realistic view of current developments can be regarded as a sane view.

Aside from the question of neutrality, which, as I have stated, has proved to be illusory when it has stood in the way of these ambitious aggressors, it is a recognized principle, older than any rule of neutrality, that a state is entitled to defend itself against menaces from without as well as from within. This is the essence of sovereignty. It was definitely recognized by all the signers of the Kellogg-Briand Pact.

We may be told that the invading powers have no designs on this hemisphere, but the countries which are now occupied by their military forces had similar assurances. Such assurances are mere words. We cannot, as prudent people, afford to rely upon such assurances and delay implementing our defense until we ascertain what in practice those aggressors have in mind.

Some of the conquered countries, and others unconquered, have possessions near this continent. Are we to suppose that, if circumstances should permit, these possessions would not be occupied by the conquering nations and that they would not be used as bases from which to continue their quest for world domination—political and economic?

Our interest, it seems to me, lies in taking nothing for granted. We are amply warranted, as a measure of self-defense and in the protection of our security, to allow supplies to go to the countries who are directly defending themselves and indirectly defending us against the onrush of this unholy determination to conquer and dominate by force of arms. We are merely trying to protect ourselves against a situation which is not of our making and for the prevention of which we exerted our every energy.

XXV. Lifting of "Moral Embargo" on Exports to U. S. S. R.

(Dept. of State Bulletin, Vol. IV, No. 83, January 23, 1941)

A communication reading as follows has been handed to the Soviet Ambassador, Constantine A. Oumansky :

"DEPARTMENT OF STATE,
Washington, January 21, 1941.

"MY DEAR MR. AMBASSADOR :

"Following our recent conversations, I am happy to inform you that the Government of the United States of America has decided that the policies set forth in the statement issued to the press by the President on December 2, 1939, and generally referred to as the 'moral embargo', are no longer applicable to the Union of Soviet Socialist Republics.

"This decision is being communicated to interested American manufacturers and exporters.

"I am, my dear Mr. Oumansky,

"Very sincerely yours,

SUMNER WELLES"

XXVI. German Flag Incident

(Dept. of State Bulletin, Vol. IV, No. 83, January 25, 1941)

The Secretary of State made public on January 21 the following exchange of notes with the German Embassy:

[Translation]

“THE GERMAN EMBASSY, II S. F.,
Washington, D. C., January 18, 1941.

“MR. SECRETARY OF STATE:

“I have the honor to inform you of the following occurrence:

“As the day of the founding of the German Reich in the year 1871, January 18 was declared a German national holiday which is to be observed by the display of the German Reich flag by all German Reich offices in Germany as well as abroad. In conformity with the pertinent instructions issued by the German Reich Government the German Consul General in San Francisco today displayed the prescribed German Reich flag from his office.

“The German Consul General in San Francisco has just informed me that the German Reich flag placed by him on his office was today at noon forcibly taken down from its staff by unknown persons in the presence of a large shouting throng of people and was torn to pieces by the throng. The perpetrator or perpetrators appear to have climbed by the fire-escape up to the ninth floor of the office building housing the Consulate General, without being prevented from doing so by the local police.

“In the name of the German Reich Government I make the most emphatic protest against this act which represents a serious violation of the right, prescribed by treaty and recognized in international law, of the German Consul General in San Francisco to raise the German Reich flag over his office. I am permitted to express the expectation that

the Government of the United States will adopt all appropriate measures to bring the perpetrators to responsibility and to submit them to merited punishment and that the Government of the United States will also take all appropriate steps in order to prevent a repetition of occurrences of this nature.

"I request your Excellency to make it possible for me immediately to furnish my Government with a report in this regard.

"Accept [etc.]

THOMSEN"

"JANUARY 19, 1941.

"MY DEAR MR. CHARGÉ D'AFFAIRES :

"I have received your note of January 18, 1941 regarding a report reaching you from the German Consul General in San Francisco that the German Reich flag was forcibly taken down by unknown persons from the ninth floor of the office building housing the Consulate General.

"I hasten to express the regret of the Government of the United States at such an incident and have requested that the appropriate agencies of this Government should make an immediate investigation, after which I shall communicate with you again.

"I remain, Mr. Chargé d'Affaires,

"Very sincerely yours,

CORDELL HULL"

XXVII. Italian Air Attack on American Missionaries in Anglo-Egyptian Sudan

(Dept. of State Bulletin, Vol. IV, No. 84, February 1, 1941)

On August 30, 1940, the American Legation at Cairo reported the receipt of information from the Sudan government authorities concerning an attack from the air upon a station of the Sudan Interior Mission at Doro, Upper Nile Province, which took place on August 23, as a result of which Dr. and Mrs. Robert Grieve were killed and Mr. and Mrs. Kenneth Oglesby were wounded. All of the victims were citizens of the United States.

As a consequence of the occurrence, the American Chargé d'Affaires ad interim at Rome, acting under instructions from the Department, delivered the following communication to the Italian Government on November 1, 1940:

"On August 23, 1940, shortly after nine o'clock in the morning, two Italian aircraft attacked the compound of the Sudan Interior Mission at Doro in the Anglo-Egyptian Sudan, resulting in the killing of Dr. and Mrs. Robert C. Grieve and the wounding of the Reverend and Mrs. C. K. Oglesby, all American citizens.

"As soon as my Government learned of the occurrence, the American Legation at Cairo was instructed to make a most thorough investigation of all the facts and circumstances concerning the incident so far as might be possible, based in particular on eye-witness sources. That investigation has now been completed and, under instructions of my Government, I have been directed to acquaint the Royal Italian Government with what follows.

"An American branch of the Sudan Interior Mission, an international missionary organization with American, Brit-

ish and Canadian branches, has been established for some time at Doro, with a mission station also at Chali. For some six months prior to August 23, 1940, the mission at Doro consisted of the Reverend and Mrs. C. K. Oglesby, Dr. and Mrs. R. C. Grieve, all American citizens, and Miss Zullah Walsh, a British subject, ordinarily resident of Australia.

"Doro, like Chali, is a small open undefended village and, apart from the mission compound, is exclusively native. There are no military or police posts at Doro mission station or in the village of Doro or any military works of any character. The village itself consists of some 15 native tukls.

"Mr. Malcolm I. Forsberg, an American citizen, of the Sudan Interior Mission at Chali has declared in a sworn affidavit that 'having learned from three Greek traders from Kurmuk passing through Chali on their way to Melut of disorders in the Kurmuk area and bearing in mind the nearness of Chali and Doro to Kurmuk', he addressed on July 27, 1940, a letter to the Commander, Italian Army at Dul, Ethiopia, reading as follows:

"SIR:

"This is to inform you that there are two men one woman and a child at Chali all of whom are Americans. There are two men and three women at Doro one young lady of whom is Australian. The rest are Americans. We are engaged solely in missionary work among the Uduk and Maban tribes. We have placed an American flag on one of the houses at Chali.

"Sincerely yours,

"M. I. FORSBERG,
"Sudan Interior Mission.'

"According to Mr. Forsberg's affidavit, he received on August 5, 1940 the following communication dated August 2, 1940 from the Commander Italian Army, Kurmuk (signature illegible):

"Mr. M. I. FORSBERG,
"Sudan Interior Mission,
"Chali.

"I have received your letter of which I understand the presence of your mission in my territory. I shall be glad

to see you all, men and women, here at Kurmuk every one with his own passport. I hope that the travel by Chali and Doro to Kurmuk may afford like to you. Please accept my best wishes to ladies and my salutations to gentlemen.

“ ‘Commander Italian army Kurmuk.’

“On August 5, date of receipt of the foregoing, Mr. Forsberg, according to his sworn statement, sent the following reply to the Italian Commander at Kurmuk:

“ ‘The COMMANDER

“ ‘Italian Army at Kurmuk.

“ ‘DEAR SIR:

“ ‘I received your letter of August 2, 1940, today. I will send word concerning your wishes to our missionaries in Doro. It will be a number of days before we can get an answer from them. We have no means to take us to Kurmuk. It would be dangerous for the child and for the ladies to travel in the wet now when there is malaria. One of the ladies at Doro (near Boin) is going to have a baby and is very ill from that. She also is just recovering from Malaria. It would be very hard for her to travel now. We will appreciate it if you will let us stay in our houses at Chali and Doro until you occupy this territory.

“ ‘Sincerely yours,

“ ‘M. I. FORSBERG,
“ ‘*Sudan Interior Mission.*’

“Mr. Forsberg further avers that following the despatch of the letter quoted above ‘he received no communication from the Italian military authorities’. According to other information, it appears that the mission at Doro had had at no time any communication with the Italian military authorities.

“At about 9:15 a. m. on August 23, 1940 members of the mission station at Doro were attracted by the sound of aircraft engines. Upon an observation of the sky, two aircraft were to be seen about a mile distant flying apparently in a westerly direction along and over the approximate course of the Yabus River, whose nearest point is about a mile from the southern boundary of the mission compound.

“As a result of the noise made by the aircraft engines, Dr. and Mrs. Grieve and the Reverend and Mrs. Oglesby

left their houses and stood together on the open ground to observe the airplanes. Miss Walsh was standing on the porch along the south side of her house.

"Suddenly the two airplanes changed their course toward the compound. As they did so, Dr. Grieve and Mr. Oglesby held extended a United States flag, measuring some six by four feet, while their wives stood a little distance south of them.

"The two aircraft, flying one after the other, crossed the southern boundary of the compound at a height of not more than one thousand feet, possibly less, inasmuch as the details of the planes were plainly distinguishable from the ground. In an affidavit of Mr. Oglesby the aircraft are described as Italian single-engined bi-planes. It is added that the vertical tricolor national markings were painted upon the tail fins of the aircraft.

"When the aircraft were only a short distance from the four Americans standing in the open, the second airplane, flying slightly to the west of the airplane in the lead, dived toward the group discharging its bombs. There were three almost simultaneous explosions.

"The airplanes flew over the eastern corner of Miss Walsh's house in a northeasterly direction, passing over the native village where at least two more bombs were dropped which fell in the fields.

"Dr. and Mrs. Grieve were struck by the first bombs, Dr. Grieve having fallen partly covered by the United States flag, which was perforated by shrapnel or bomb splinters in no less than twenty-four places. Mr. and Mrs. Oglesby were wounded, Mr. Oglesby only slightly in the shoulders, but Mrs. Oglesby had sustained about thirty small shrapnel wounds on the arms and in the back with three major wounds in the legs and was still reported suffering from mental shock as late as October 21, 1940.

"The airplanes almost immediately afterward returned and dropped a considerable additional number of bombs. They then departed in an easterly direction.

"When the airplanes had finally departed Mr. and Mrs. Oglesby were assisted into their house, while Dr. and Mrs. Grieve were carried into the clinic. Dr. Grieve died at

about 10:30 a. m. and Mrs. Grieve that same day about 5:30 p. m.

"Altogether a considerable number of bombs, some high explosive and some incendiary, were dropped in or around the mission compound. The first salvo of three bombs were high explosive or shrapnel bombs while an incendiary bomb destroyed a house belonging to the Reverend and Mrs. Oglesby.

"From the above facts it is clear that:

"The airplanes making the attack were Italian, in accordance with the sworn statements of two eye-witnesses.

"The Italian military authorities at Kurmuk had knowledge prior to the attack on Doro of the presence there of American missionaries and of their non-combatant character.

"Doro is an open undefended village with no military or police posts or any military works of any character.

"The attack on Doro by Italian airplanes was consequently a deliberate and wanton assault on a non-military objective and on non-combatant civilians, including four American citizens.

"My Government is confident that the Royal Italian Government will promptly condemn the acts of those responsible for the brutal unprovoked attack against the four American citizens concerned and that prompt steps will be taken to punish those guilty of an outrage shocking to all those who continue to preserve any respect for the principles of civilized behavior. My Government must of course make full reservations concerning the subsequent entering of claims for compensation for the killing of Dr. and Mrs. Grieve, the wounding of the Reverend and Mrs. Oglesby and for any property damage suffered by American interests."

The following interim reply, dated November 6, 1940, was received from the Foreign Office by the Embassy at Rome:

"Detailed information in the premises has been requested of the competent military authorities.

"However, as it relates to facts supposed to have occurred more than two months ago in a distant locality it is very

probable that a report on the matter cannot be received for sometime.

“Much more expeditious procedure on the part of North America [*sic*] would have been to have requested information concerning the bombardments in question simultaneously from Cairo and from Rome.

“That among other things would probably have resulted in a composition different from your note of November 1 which in its concluding portion contains criticisms of the Italian armed forces which cannot but be rejected *in toto*.”

No further communication on the subject has been received from the Italian Government.

XXVIII. Air Attack on American Missionaries in Anglo-Egyptian Sudan (Continued)

(Dept. of State Bulletin, Vol. IV, No. 86, February 15, 1941)

A more detailed note from the Italian Government addressed to the American Embassy in Rome has been received in response to an American protest concerning an attack from the air upon a station of the Sudan Interior Mission at Doro, Upper Nile province, which took place on August 23, 1940. The note verbal, with its enclosure dated January 31, 1941, reads as follows:

“With reference to the Embassy’s letter of November 1, 1940, the Ministry of Foreign Affairs has the honor to enclose a copy of the report from the competent Italian military authorities regarding the alleged bombardment of Doro. The said authorities after careful investigation state that it is to be excluded that the air action in question was carried out by Italian airplanes and emphasize the point that the Government of the Province concerned had in fact given orders that the two missions whose presence at Doro and Chali was perfectly well known should be left undisturbed where they were.”

The translation of the enclosure with the Italian note verbal follows:

“The careful investigation immediately ordered by the high command in Italian East Africa has given the following results:

“‘At Chali (Kurmuk) there is a group of American missionaries composed of two men, one woman and one boy; another group of American missionaries composed of two men and three women carries on its work at Doro.

“‘These missionaries in due time informed the commander of the Kurmuk garrison that they belonged to the Sudan

Interior Mission and that they were engaged in religious work exclusively.

“The Galla Sidama Government gave instructions that these missions be left undisturbed where they are.

“The report of the bombardment of the said mission as broadcast by the British is in so far as we are concerned unfounded.

“The Galla Sidama Government has caused an investigation to be made and states that it is to be excluded. We have twice bombarded the locality of Daga River Post and there is corroborating proof that this was the locality and not another. Furthermore the dates on which the bombardments took place do not coincide.

“The crews of the planes which carried out this action likewise confirm that the locality bombarded was beyond possibility of mistake Daga River Post (which is easily identifiable because of its location on the Daga River), and not Doro.

“The only matter which is known to us is that during our first bombardment of Kurmuk (then British) on July 13th last a missionary who was in that locality was wounded in the shoulder but not seriously.”

XXIX. Declarations of War by Belligerent Countries

(Dept. of State Bulletin, Vol. IV, No. 88, March 1, 1941)

The following table sets forth declarations of war, recognitions of the existence of a state of war, etc., in the European war beginning in 1939. In addition to the cases enumerated below of declarations of war or of the names of countries at war mentioned in the President's proclamations, there are some instances of proclamations by governors of the various units of the British Empire and of colonial possessions of The Netherlands of the existence of a state of war with Germany or Italy or both.

Countries	Date	Source	Date of Proclamation of Neutrality by the President of the United States
Germany and France---	<p>"As a consequence of the aggression directed by Germany against Poland, a state of war is found to exist between France and Germany, commencing from September 3, 1939, 5 p. m."</p> <p>[No record of a formal declaration of war has been found.]</p> <p>"* * * unless not later than 11 a. m., British Summer Time, today 3rd September, satisfactory assurances to the above effect [that the German Government "had suspended all aggressive action against Poland and were prepared promptly to withdraw their forces from Polish territory"] have been given by the German Government and have reached His Majesty's Government in London, a state of war will exist between the two countries as from that hour."</p> <p>British Prime Minister Chamberlain declared in his speech of September 3, 1939 in</p>	<p>Note addressed to foreign powers by the French Government on September 3. Printed, in French, in the <i>Journal officiel de la République française. Lois et décrets</i>. September 4, 1939, page 11086.</p> <p>Telegraphic instruction from the British Secretary of State for Foreign Affairs to the British Ambassador to Germany. This and Prime Minister Chamberlain's speech are printed in British Command Paper 6106, Miscellaneous No. 9 (1939): entitled <i>Documents Concerning German-Polish Relations and the Outbreak of Hostilities between Great Britain and Germany on September 3, 1939</i> (a British "Blue Book"), pages 175, 178.</p>	<p>September 5, 1939</p> <p>September 5, 1939</p> <p>September 5, 1939</p>
Germany and Poland---			
Germany and United Kingdom.			

the House of Commons: "No such undertaking was received by the time stipulated, and, consequently, this country is at war with Germany."

Germany and India-----

["I, Victor Alexander John, Marquess of Linlithgow, Governor-General of India and ex-officio Vice-Admiral therein, being satisfied thereof by information received by me, do hereby proclaim that war has broken out between His Majesty and Germany." (No record has been found of a declaration of war by Great Britain against Germany which includes India by name.)]

Germany and Australia-

"* * * I, Alexander Gore Arkwright, Baron Gowrie, the Governor-General aforesaid, acting with the advice of the Federal Executive Council, do hereby proclaim the existence of war.

"Given under my Hand and the Seal of the Commonwealth this third day of September in the year of our Lord one thousand nine-hundred and thirty-nine and in the third year of His Majesty's reign."

Proclamation of the Governor-General of India, dated September 3, 1939. Printed in *The Gazette of India Extraordinary*, September 3, 1939.

September 5,
1939

Proclamation issued on September 3, 1939. Printed in *The Commonwealth of Australia Gazette*, September 3, 1939.

September 5,
1939

Countries	Date	Source	Date of Proclamation of Neutrality by the President of the United States
Germany and New Zealand.	<p>"His Excellency the Governor-General has it in command from His Majesty the King to declare that a state of war exists between His Majesty and the Government of the German Reich, and that such state of war has existed from 9:30 p. m., New Zealand standard time, on the third day of September, 1939."</p> <p>"* * * I do by this my Proclamation in the name and on behalf of His Majesty the King declare and make known that from this the sixth day of September, 1939, the peaceful relations between the Union and the German Reich are severed and that the Union is, for the purposes of all laws, at war with the German Reich as from the aforementioned date."</p> <p>"Now Therefore We do hereby Declare and Proclaim that a State of War with the German Reich exists and has existed in Our Dominion of Canada as and from the tenth day of September, 1939."</p>	Statement by Viscount Galway, Governor-General of New Zealand. Printed in <i>The New Zealand Gazette Extraordinary</i> , September 4, 1939.	September 5, 1939
Germany and Union of South Africa.		Proclamation by Sir Patrick Duncan, Governor-General of the Union of South Africa. Printed in <i>The Union of South Africa Government Gazette Extraordinary</i> , September 6, 1939.	September 8, 1939
Germany and Canada.		Proclamation issued by Prime Minister W. L. Mackenzie King. Printed in <i>The Canada Gazette Extra</i> , September 10, 1939.	September 10, 1939

Germany and Norway--	<p>“The Nygaardsvold [Premier of Norway] Government through its proclamations and conduct as well as the military fighting that is taking place as a result of its will has created a state of war between Norway and the German Reich.” (Translation.)</p> <p>[No record of a formal declaration of war has been found.]</p> <p>[No record of a formal declaration of war has been found.]</p> <p>“Only one reply could be given [to the German Minister, who informed the Ministry of Foreign Affairs that “the German Government, therefore, found itself compelled to occupy the Netherlands and hoped that they would offer no resistance, but, accept the protection of the German Reich”]</p> <p>* * * 3 hours after the Dutch forces had begun to resist the overwhelmingly powerful invader with all possible means: “The Netherlands considered themselves at war with the German Reich’.” [May 10, 1940.]</p>	<p>Decree of the <i>Führer</i> for the Exercising of Governmental Authority in Norway, April 24, 1940, <i>Reichsgesetzblatt</i>, Teil 1, No. 74, p. 677 (April 26, 1940).</p>	April 25, 1940
Germany and Belgium--			May 11, 1940
Germany and Luxemburg.			May 11, 1940
Germany and Netherlands.		<p>The passage cited is to be found on page 2 of the <i>Short Account of Military and Naval Operations in the Netherlands from 10th-14th May, 1940</i>, issued by the Netherlands Ministry of Defense.</p>	May 11, 1940

Countries	Date	Source	Date of Proclamation of Neutrality by the President of the United States
Italy and France-----	<p>"Today at 4:30 P. M. [11:30 A. M., New York Time] Count Ciano, at Chigi Palace, told the Ambassador of France that His Majesty the King and Emperor of Italy declares that Italy considers herself at war with France, beginning tomorrow, June 11.</p> <p>"At 4:45 P. M. Count Ciano called the Ambassador of Great Britain and handed him a statement couched in identical terms saying that Italy considers she is at a state of war with Great Britain."</p>	Communiqué by the Italian Government. Printed in the <i>New York Times</i> , June 11, 1940, p. 2.	June 10, 1940
Italy and United Kingdom.			
Italy and Canada-----	<p>"Now, Therefore, we do hereby declare and proclaim that a State of War with Italy exists and has existed in Our Dominion of Canada as and from the tenth day of June, 1940."</p> <p>"Prime Minister Peter Fraser stated today that New Zealand was at war with Italy from 10:30 A. M., New Zealand time (7 P. M. Monday, New York Time)."</p>	<p>Proclamation issued by Prime Minister W. L. Mackenzie King. Printed in <i>The Canada Gazette Extra</i>, June 11, 1940.</p> <p>An Associated Press despatch bearing a New Zealand date line, June 11, 1940. Printed in the <i>New York Times</i>, June 11, 1940, p. 2.</p>	
Italy and New Zealand--			

Italy and Australia-----	<p>“Therefore a state of war exists between His Majesty the King and the King of Italy as from 9 o’clock in the forenoon, reckoned according to standard time in the Australian Capital Territory, of 11th June, 1940.”</p> <p>“* * * I do by this my Proclamation, in the name and on behalf of His Majesty the King, declare and make known that from this, the eleventh day of June, 1940, the peaceful relations between the Union and Italy are severed and that the Union is, for the purposes of all laws, at war with Italy as from the aforementioned date.”</p> <p>[The Greek Government, in a note to the American Legation in Athens of November 12, 1940, stated that a state of war had existed between Greece and Italy since October 28, 1940, at 5:30 A. M.]</p> <p>No formal declaration of war. Invasion of Jugoslavia began on April 6, 1941.</p> <p>No formal declaration of war.</p> <p>No formal declaration of war.</p> <p>No formal declaration of war. Attack by Germany began on June 22, 1941.</p>	<p>Notification issued by Prime Minister Robert G. Menzies. Printed in <i>The Commonwealth of Australia Gazette, Special</i>, June 11, 1940.</p> <p>Proclamation by Sir Patrick Duncan, Governor-General of the Union of South Africa. Printed in <i>The Union of South Africa Government Gazette Extraordinary</i>, June 12, 1940.</p> <p>[Files of the Department of State.]</p>	<p>November 15, 1940</p> <p>April 10, 1941</p> <p>April 15, 1941</p> <p>April 24, 1941</p>
Italy and Union of South Africa.			
Italy and Greece-----			
Germany and Italy, and Jugoslavia.			
Hungary and Jugoslavia.			
Bulgaria, and Jugoslavia and Greece.			
Germany and U. S. S. R.			

XXX. Closing of Two Italian Consulates in the United States

(Dept. of State Bulletin, Vol. IV, No. 89, March 8, 1941)

On March 5, 1941, the Secretary of State sent the following note to His Excellency the Royal Italian Ambassador, Don Ascanio dei principi Colonna:

"The Secretary of State presents his compliments to His Excellency the Royal Italian Ambassador and has the honor to refer to his oral communication of February 12, 1941, with respect to the Italian Government's request that the Consulates now established at Palermo and Naples should be moved to a place as far north as Rome or farther north, and to a place which was not on the sea coast.

"Instructions to these offices of the American Government have been issued in accordance with this request and the supervisory consulate general of the United States in Italy is being established in Rome.

"The Secretary of State avails himself of this opportunity to make request of the Italian Ambassador that all officials of his Government within the territory of the United States will confine their movements to those areas in which they exercise the recognized duties of their respective offices. This request does not include the personnel of the Italian Embassy in Washington whose names appear on the Diplomatic List. It would be appreciated, however, if the Italian Ambassador would keep the Department of State currently informed of the movements outside of Washington of the military and naval personnel attached to the Italian Embassy.

"As regards the Italian consular offices at Newark, New Jersey, and Detroit, Michigan, the Italian Ambassador is informed that the American Ambassador in Rome has been requested to convey orally to the appropriate Italian authori-

ties the desire of the United States Government that these offices should be closed and that the Italian personnel be withdrawn from these places. Should they remain within the jurisdiction of the United States the Department of State should be kept fully informed of their place of residence."

XXXI. An Act to Promote the Defense of the United States

Approved March 11, 1941

(Public Law 11, 77th Cong., Chap. 11, 1st Sess. [H. R. 1776])

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as “An Act to Promote the Defense of the United States.”

SEC. 2. As used in this Act—

(a) The term “defense article” means—

(1) Any weapon, munition, aircraft, vessel, or boat;

(2) Any machinery, facility, tool, material, or supply necessary for the manufacture, production, processing, repair, servicing, or operation of any article described in this subsection;

(3) Any component material or part of or equipment for any article described in this subsection;

(4) Any agricultural, industrial or other commodity or article for defense.

Such term “defense article” includes any article described in this subsection: Manufactured or procured pursuant to Section 3, or to which the United States or any foreign government has or hereafter acquires title, possession, or control.

(b) The term “defense information” means any plan, specification, design, prototype, or information pertaining to any defense article.

SEC. 3. (a) Notwithstanding the provisions of any other law, the President may, from time to time, when he deems it in the interest of national defense, authorize the Secretary of War, the Sec-

retary of the Navy, or the head of any other department or agency of the Government—

(1) To manufacture in arsenals, factories, and shipyards under their jurisdiction, or otherwise procure, to the extent to which funds are made available therefor, or contracts are authorized from time to time by the Congress, or both, any defense article for the government of any country whose defense the President deems vital to the defense of the United States.

(2) To sell, transfer title to, exchange, lease, lend, or otherwise dispose of, to any such government any defense article, but no defense article not manufactured or procured under paragraph (1) shall in any way be disposed of under this paragraph, except after consultation with the Chief of Staff of the Army or the Chief of Naval Operations of the Navy, or both. The value of defense articles disposed of in any way under authority of this paragraph, and procured from funds heretofore appropriated, shall not exceed \$1,300,000,000. The value of such defense articles shall be determined by the head of the department or agency concerned or such other department, agency or officer as shall be designated in the manner provided in the rules and regulations issued hereunder. Defense articles procured from funds hereafter appropriated to any department or agency of the Government, other than from funds authorized to be appropriated under this Act, shall not be disposed of in any way under authority of this paragraph except to the extent hereafter authorized by the Congress in the Acts appropriating such funds or otherwise.

(3) To test, inspect, prove, repair, outfit, recondition, or otherwise to place in good working order, to the extent to which funds are made available therefor, or contracts are authorized from time to time by the Congress, or both, any defense article for any such government, or to procure any or all such services by private contract.

(4) To communicate to any such government any defense information, pertaining to any defense article furnished to such government under paragraph (2) of this subsection.

(5) To release for export any defense article disposed of in any way under this subsection to any such government.

(b) The terms and conditions upon which any such foreign government receives any aid authorized under subsection (a) shall be those which the President deems satisfactory, and the benefit to the United States may be payment or repayment in kind or property, or any other direct or indirect benefit which the President deems satisfactory.

(c) After June 30, 1943, or after the passage of a concurrent resolution by the two Houses before June 30, 1943, which declares that the powers conferred by or pursuant to subsection (a) are no longer necessary to promote the defense of the United States, neither the President nor the head of any department or agency shall exercise any of the powers conferred by or pursuant to subsection (a); except that until July 1, 1946, any of such powers may be exercised to the extent necessary to carry out a contract or agreement with such a foreign government made before July 1, 1943, or before the passage of such concurrent resolution, whichever is the earlier.

(d) Nothing in this Act shall be construed to authorize or to permit the authorization of convoying vessels by naval vessels of the United States.

(e) Nothing in this Act shall be construed to authorize or to permit the authorization of the entry of any American vessel into a combat area in violation of Section 3 of the Neutrality Act of 1939.

SEC. 4. All contracts or agreements made for the disposition of any defense article or defense information pursuant to Section 3 shall contain a clause by which the foreign government undertakes

that it will not, without the consent of the President, transfer title to or possession of such defense article or defense information by gift, sale, or otherwise, or permit its use by anyone not an officer, employee, or agent of such foreign government.

SEC. 5. (a) The Secretary of War, the Secretary of the Navy, or the head of any other department or agency of the Government involved shall, when any such defense article or defense information is exported, immediately inform the department or agency designated by the President to administer Section 6 of the Act of July 2, 1940 (54 Stat. 714), of the quantities, character, value, terms of disposition, and destination of the article and information so exported.

(b) The President from time to time, but not less frequently than once every ninety days, shall transmit to the Congress a report of operations under this Act except such information as he deems incompatible with the public interest to disclose. Reports provided for under this subsection shall be transmitted to the Secretary of the Senate or the Clerk of the House of Representatives, as the case may be, if the Senate or the House of Representatives, as the case may be, is not in session.

SEC. 6. (a) There is hereby authorized to be appropriated from time to time, out of any money in the Treasury not otherwise appropriated, such amounts as may be necessary to carry out the provisions and accomplish the purposes of this Act.

(b) All money and all property which is converted into money received under Section 3 from any government shall, with the approval of the Director of the Budget, revert to the respective ap-

propriation or appropriations out of which funds were expended with respect to the defense article or defense information for which such consideration is received, and shall be available for expenditure for the purpose for which such expended funds were appropriated by law, during the fiscal year in which such funds are received and the ensuing fiscal year; but in no event shall any funds so received be available for expenditure after June 30, 1946.

SEC. 7. The Secretary of War, the Secretary of the Navy, and the head of the department or agency shall in all contracts or agreements for the disposition of any defense article or defense information fully protect the rights of all citizens of the United States who have patent rights in and to any such article or information which is hereby authorized to be disposed of and the payments collected for royalties on such patents shall be paid to the owners and holders of such patents.

SEC. 8. The Secretaries of War and of the Navy are hereby authorized to purchase or otherwise acquire arms, ammunition, and implements of war produced within the jurisdiction of any country to which Section 3 is applicable, whenever the President deems such purchase or acquisition to be necessary in the interests of the defense of the United States.

SEC. 9. The President may, from time to time, promulgate such rules and regulations as may be necessary and proper to carry out any of the provisions of this Act.

XXXII. Naval Vessels on the Great Lakes

(Dept. of State Bulletin, Vol. IV, No. 92, March 29, 1941)

The Secretary of State made public on March 24 the following exchanges of notes between the American Legation at Ottawa and the Canadian Under Secretary of State for External Affairs, Dr. O. D. Skelton:

“OTTAWA, CANADA,
June 9, 1939.

“MY DEAR DR. SKELTON:

“In a confidential letter addressed to the Secretary of State on January 31, 1939, Admiral Leahy, the Acting Secretary of the Navy, raised certain questions regarding the Rush-Bagot Agreement of 1817. Among other things, Admiral Leahy requested the views of Mr. Hull concerning the mounting of two 4-inch guns on each of the American naval vessels on the Great Lakes, to be used in firing target practice in connection with the training of naval reserves. He inquired, if this was considered improper, concerning the possibility of modifying the Rush-Bagot Agreement to permit this practice. The question was subsequently the subject of informal conversations between officers of our State and Navy Departments.

“After careful consideration of the problem, Mr. Hull is inclined to the opinion that a modification of the Rush-Bagot Agreement would be undesirable at this time. It is clear from a study of the documents relating to the negotiation of the Agreement and its early history that the objective of the negotiators was to provide a solution of an immediate and urgent problem arising out of the war of 1812 and the terms of the Agreement themselves support the view that its indefinite continuation in force was not anticipated. Consequently, from a naval standpoint, its provisions have long been out of date, but in spite of numerous

vicissitudes the Agreement itself has survived unchanged for more than one hundred and twenty years and, with the passage of time, has assumed a symbolic importance in the eyes of our own and Canadian citizens. It is true that shortly after the World War modification of the Agreement was studied in this country and in Canada, with a view to making its provisions conform more closely to modern conditions, and a stage was even reached where the Governments exchanged drafts of suggested changes. The proposed changes were never actually agreed upon, however, and Mr. Hull is inclined to think that the two Governments were wise to allow the matter to fall into abeyance, since it is highly debatable whether the realization of their limited objectives would have compensated for the disappearance of the 1817 Agreement as a symbol of the friendly relations between the two countries for over a century.

"It was perhaps inevitable that an agreement, the technical provisions of which became obsolete more than half a century ago, should from time to time have been subjected to what may have been considered technical violations by both parties, and of such instances there is a clear record. We believe it can be successfully maintained, however, that without a degree of tolerance the Agreement could scarcely have survived to the present day in its original form. But it is a fact of equal significance that even when the two Governments felt compelled to depart from a strict observance of its terms they were concerned that the spirit underlying it should be preserved.

"I understand from information furnished by our Navy Department that the following five vessels of the United States Navy are now serving on the Great Lakes:

Ship	Launch- ed	Present Location	Displace- ment	Battery
Dubuque-----	1905	Detroit-----	1, 085	None.
Hawk-----	1891	Michigan City--	375	None.
Paducah-----	1905	Duluth-----	1, 085	None.
Wilmington----	1897	Toledo-----	1, 392	None.
Wilmette-----	1903	Chicago-----	2, 600	4-4''/50, 2-3''/50 A. A., 2-1 pdr.

"In a number of respects the presence there of these vessels may not be considered entirely in keeping with a literal interpretation of the Rush-Bagot Agreement. On the other hand, it seems proper to take into account the fact that the vessels of our Navy now on the Great Lakes are there with the knowledge of the Canadian Government, written permission having been obtained for the passage of four of them through the Canadian canals en route to their stations. The case of the *Wilmette* is somewhat different, this vessel having been constructed on the lakes as a commercial vessel and subsequently taken over by our Navy during the World War.

"In considering the number and size, disposition, functions and armaments of naval vessels in relation to the provisions of the Rush-Bagot Agreement, it is Mr. Hull's view, with which I feel sure you will agree, that the primary concern of both Governments is to maintain at all costs the spirit which underlies that Agreement and which is representative of the feelings of the Canadian and American people toward each other. With that clear objective in mind, Mr. Hull wishes me to make the following observations.

"(1) *Number and size of vessels.* As indicated above, the United States Navy now has five vessels, all 'unclassified', on the Great Lakes. In the discussion of this problem between officials of the State and Navy Departments, the fact was brought out that approximately one third of the national naval reserve personnel in the United States is concentrated in the region of which Chicago is the center. The need for adequate training of this personnel is clear and I am given to understand that even with our present five vessels on the Great Lakes our facilities are strained. A possible alternative would be to transport these reserves to the Atlantic Coast every summer for the customary two weeks' training period, but I am told that the cost of so transporting even a small fraction of these reserves would in all probability be prohibitive. In the circumstances and in view of the fact that these five vessels have been maintained on the Great Lakes since the war without objection on the part of the Canadian Government, Mr. Hull is inclined to think that the withdrawal of one of them would not be necessary.

“Mr. Hull would be reluctant, however, to see American vessels on the Great Lakes increased beyond the present number, omitting from this calculation vessels which are ‘retained immobile’ and used solely as floating barracks for naval reserves. The Canadian Government has in the past given permission for vessels of the latter category to be maintained on the Great Lakes and, it is hoped, would give sympathetic consideration to any similar requests which might be made in the future.

“It is my understanding that the *Sacramento*, a vessel of 1,140 tons launched in 1914 and similar in size and type to vessels already on the Great Lakes, is now returning from China, her usefulness as an active naval vessel in regular commission having passed. I am informed that the Navy Department will probably wish this vessel to take the place of the *Hawk*, but that this will not involve an increase in the number of our naval vessels on the lakes. A formal request of your Government for permission for this vessel to proceed to the Great Lakes through Canadian waters will be made in due course.

“With regard to the size of these vessels, it has been noted that all are of more than one hundred tons burden, the limit imposed by the Agreement. The change from wood to steel around the middle of the last century, along with other factors, contributed toward rendering this part of the Agreement obsolete. To our knowledge no objection has been taken by the Canadian Government to the presence on the Great Lakes of naval vessels of more than one hundred tons burden and there would be no inclination to question the maintenance by Canada of vessels similar to ours now operating there. It appears to have been the practice of our Navy Department for many years to station on the Great Lakes only ‘unclassified’ vessels that have long since outlived their usefulness in terms of modern warfare and that have a draft of not more than fourteen feet. I understand that these vessels have and could have no use except to provide elementary training for naval reserves. Mr. Hull believes that it would be desirable to continue this policy, which goes beyond the objectives of the 1817 Agreement, but which is so clearly in keeping with the present

temper of public opinion. He is so informing the Navy Department.

“(2) *Disposition of Vessels.* At the time the Rush-Bagot Agreement was negotiated the Great Lakes were independent inland waters with no navigable connection between them and the ocean or, in most cases, between the lakes themselves. This geographical fact was no doubt largely responsible for the provision of the Agreement which allotted one vessel to Lake Champlain, one to Lake Ontario and two to the so-called ‘Upper Lakes’. That situation, of course, no longer exists, and Mr. Hull would not regard it as unreasonable or contrary to the spirit of the Rush-Bagot Agreement to have the naval vessels of each party move freely in the Great Lakes basin or to ‘maintain’ them at any port or ports in the Lakes. Were the Canadian Government to act in accordance with such an interpretation, it is certain that no objection would be taken.

“(3) *Functions of the Vessels.* In his letter of January 31, last, Admiral Leahy inquired whether the firing of target practice on the Great Lakes was consistent with the provisions of the Rush-Bagot Agreement. Since the Agreement is silent with respect to the functions of the naval vessels maintained by the two parties on the Great Lakes, other than to state that the naval force of each party is to be restricted to such services as will in no respect interfere with the proper duties of the armed vessels of the other party, it is clearly within the letter as well as the spirit of the Agreement for the naval vessels of both parties to be employed in the training of naval reserves or in any other normal activity, including the firing of target practice, within their respective territorial water. Mr. Hull is so informing the Navy Department.

“(4) *Armaments.* In Admiral Leahy’s letter, the hope was expressed that the Rush-Bagot Agreement might be modified so as to permit each of our naval vessels to carry not over two 4-inch guns.

“The Agreement itself provides that each of the naval vessels maintained by each Government may carry one 18-pound cannon. It is my understanding that the shell for a 3-inch gun weighs approximately fourteen pounds and the

shell for a 4-inch gun approximately thirty pounds. It would therefore be within the scope of the Agreement for each of the naval vessels in question to carry one 3-inch gun. In the discussions between officers of the State and Navy Departments, however, it was brought out that since the 4-inch gun is now what is considered 'standard equipment', whereas the 3-inch gun is not, the use of the former is much more desirable from the point of view of giving adequate training to our naval reserves.

"After careful consideration of this problem, Mr. Hull is of the opinion that the following proposal would be in harmony with the spirit of the Rush-Bagot Agreement; namely, the placing of two 4-inch guns on each of three naval vessels on the Great Lakes, and the removal of all other armaments, subject to certain conditions. These are that the firing of target practice be confined to the territorial waters of the United States, and that the 4-inch guns be dismantled except in the summer season during the period of the training of naval reserves.

"There remains a question which is of definite interest to both Governments, namely, the construction of naval vessels in shipyards situated on the Great Lakes. The State Department has recently received renewed inquiries on this question.

"The Rush-Bagot Agreement, after providing for the maintenance of four naval vessels of each party on the Great Lakes, stipulated that

"'All other armed vessels on those lakes shall be forthwith dismantled and no other vessels of war shall be there built or armed.'

"The provision just quoted should, Mr. Hull believes, be read in the light of the geographical factor to which reference has already been made. At a time when there was no navigable connection between the Great Lakes and the Atlantic Ocean, it was obvious that naval vessels constructed on the lakes could only be intended for use in those waters. Mr. Hull is satisfied that it was this contingency alone which the contracting parties wished to guard against, for no evidence whatever exists to suggest that either party at any

time considered that the Agreement should affect the naval forces of the two countries outside the Great Lakes area.

"In the circumstances, Mr. Hull believes that it would be entirely in harmony with the intent of the negotiators and the spirit of the Agreement for either country to permit naval vessels, unquestionably intended for tidewater service only, to be constructed in shipyards situated on the Great Lakes. In order carefully to preserve the intent of the Agreement, however, it is believed that prior to the commencement of construction each Government should provide the other with full information concerning any naval vessels to be constructed at Great Lakes ports; that such vessels should immediately be removed from the lakes upon their completion; and that no armaments whatever should be installed until the vessels reach the seaboard.

"I shall be happy to receive for Mr. Hull's informal and confidential information any observations which you may wish to make with regard to the questions touched on in this letter.

"Sincerely yours,

DANIEL C. ROPER"

"OTTAWA, 10th June, 1939.

"MY DEAR MR. ROPER:

"I have consulted the Acting Prime Minister and Secretary of State for External Affairs and the Department of National Defence concerning your informal letter of June 9th, 1939, which conveys the observations of the Secretary of State of the United States upon certain questions raised by the United States Navy Department regarding the Rush-Bagot Agreement of 1817.

"The Canadian Government concur fully in the desirability of preserving this long-standing Agreement which has been of such inestimable value in furthering the ideals of good neighborhood in this region of the world. It is also recognised that the great changes in technical, industrial, water transport and population conditions which have occurred in the meantime, while in no sense altering the desire

of both peoples to maintain the underlying spirit and objective of the Agreement, have rendered its technical scheme and definitions somewhat out of date. It might be urged that the logical method of dealing with the changed situation would be the conclusion of some formal revision of the Agreement, but it is further recognised that the drafting of a new document which would cover present and future considerations of interest to both countries might present difficulties at the present time, and it is noted that Mr. Hull is inclined to the opinion that this would be undesirable.

"If formal revision is, as we agree, impracticable, it is nevertheless recognised that there are certain measures which are mutually considered to be practically necessary or desirable and, at the same time, to be consistent with the underlying objective of the Agreement though not strictly consistent with its technical scheme or definitions. In the case of various instances of this character which have occurred in the past, the two Governments have consulted and made appropriate dispositions by means of correspondence. It is felt that such procedure, which appears to be essentially inherent in the underlying spirit and objective, should be pursued as regards any new practical measures concerning naval vessels on the Great Lakes which may be contemplated at the present moment or in the future.

"In the light of these general considerations it will be convenient to give you the views of the Canadian Government regarding the particular measures which your Government now consider desirable and which have been described in your letter under separate headings.

"(1) *Number and size of vessels.* I note that there is no proposal to increase the present number of United States naval vessels on the Great Lakes. As regards the proposed substitution of the *Hawk*, which is now on the Lakes, by another vessel, the *Sacramento*, it is noted also that a formal request of the Canadian Government for permission for the latter vessel to proceed into the Great Lakes through Canadian waters will be made in due course. The Canadian authorities will be agreeable to this substitution, and I assume that at the time particular information will be given

as to the disposition of the *Hawk* as well as a description of the *Sacramento* and the purpose of the substitution.

“(2) *Disposition of Vessels*. It is recognized, for the reasons indicated in your letter, that it would be consistent with the underlying purpose of the Agreement to have the naval vessels of each party move freely in the Great Lakes or to maintain them at any of its ports in the Lakes.

“(3) *Functions of the Vessels*. The Rush-Bagot Agreement, as your letter points out, is silent with respect to the functions of the naval vessels maintained by the two parties on the Great Lakes other than to state that the naval force of each party is to be restricted to such services as will in no respect interfere with the proper duties of the armed vessels of the other party. The Canadian Government accordingly recognize that it is within the letter as well as the spirit of the Agreement for such naval vessels of both parties to be employed in the training of naval reserves, or in any other normal activity, including the firing of target practice, within their respective territorial waters.

“(4) *Armaments*. It appears that in view of present-day technical conditions, the United States naval authorities regard 3-inch guns as no longer adequate for the purpose of training naval reserves, whereas 4-inch guns, though not strictly within the technical definition of the Agreement, would be suitable for that purpose. Accordingly Mr. Hull suggests the following proposal as being in harmony with the spirit of the Agreement, namely, the placing of two 4-inch guns on each of three of the United States naval vessels on the Great Lakes and the removal of all other armaments, subject to certain conditions. These conditions are that the firing of target practice be confined to the territorial waters of the United States and that the 4-inch guns be dismantled except in the summer season during the period of the training of naval reserves. The Canadian naval authorities concur in the view of the United States naval authorities above indicated, and the Canadian Government agree that Mr. Hull's proposal is consistent with the underlying purpose and spirit of the Agreement. It is assumed that in due course the Canadian Government will be informed of the names of the vessels upon which the 4-inch

guns have been placed. It is also assumed that, should any alteration as regards armament take place in any of the five vessels in the future, particulars will be furnished.

"A further particular question is raised by your letter, namely, the construction of naval vessels in shipyards situated on the Great Lakes. Careful consideration has been given to Mr. Hull's observations regarding the changes in actual conditions that have occurred in this regard during the past century, and to the suggestion he has made in order to preserve the intent of the Agreement. The suggestion is that prior to the commencement of construction, each Government should provide the other with full information concerning any naval vessels to be constructed at Great Lakes ports; that such vessels should immediately be removed from the Lakes upon their completion; and that no armaments whatever should be installed until the vessels reach the seaboard. The Canadian Government appreciate the force of Mr. Hull's observations, and they agree that his particular suggestion would be consistent with the underlying objective of the Agreement. They would understand that in the case of each vessel so constructed, when the time came for her removal to the seaboard, the Government concerned would make the usual request through diplomatic channels for permission to pass through the other party's waters.

"As regards all these matters and particular measures, the Canadian Government assume it would be understood that the foregoing observations and understandings so far as they have been expressed only with relation to United States naval vessels maintained on the Great Lakes or to naval vessels to be constructed in United States shipyards there, will apply equally to the case of any Canadian naval vessels that may be maintained on the Great Lakes or of naval vessels to be constructed in Canadian shipyards there.

"Yours sincerely,

O. D. SKELTON"

"OTTAWA, *October 30, 1940.*

"MY DEAR MR. MOFFAT:

"May I refer to your predecessor's letter of June 9, 1939, and to my letter to Mr. Roper of the 10th June of the same

year concerning certain questions raised by the United States Navy Department regarding the Rush-Bagot Agreement of 1817.

"2. At that time it was recognized that there were certain measures which were mutually considered to be practically necessary or desirable and, at the same time, to be consistent with the underlying objective of the Rush-Bagot Agreement, though not strictly consistent with its technical scheme or definitions. In various instances of this character which had occurred in the past, the two Governments had concurred and made appropriate dispositions by means of correspondence. It was also agreed that such a procedure, which appeared to be essentially inherent in the underlying spirit and objective of the Agreement, should be pursued as regards any new practical measures, concerning naval vessels on the Great Lakes, which might be contemplated.

"3. Certain special questions including 'number and size of the vessels', 'disposition of the vessels', 'functions of the vessels', and 'armaments' were discussed and dealt with in the correspondence. A further particular question was also raised, namely, the construction of naval vessels in shipyards situated on the Great Lakes. The practice and procedure that should be followed in the case of such construction was formulated along lines that met with the approval of the two Governments.

"4. The practice that was then approved included the following elements:

"(a) That each Government should provide the other with full information concerning any naval vessels to be constructed in Great Lakes ports prior to the commencement of construction.

"(b) That such vessels should be removed from the Lakes upon their completion.

"(c) That no armaments whatever should be installed until the vessels reached the seaboard.

"5. A new aspect of this question has arisen owing to the congestion at the Atlantic seaboard shipyards and it is the desire of the Canadian Government to have the vessels in the most complete form practicable while still on the Great Lakes. This might involve equipment with gun mounts and

with guns which would be so dismantled as to be incapable of immediate use so long as the vessels remained in the Great Lakes.

"6. It is therefore suggested that a further interpretation of the Rush-Bagot Agreement might be made in conformity with the basic intent of the Agreement that important naval vessels should not be built for service on the Great Lakes. This would involve recognition that armament might be installed on naval vessels constructed on the Great Lakes provided that:

"(a) The vessels are not intended for service on the Great Lakes;

"(b) Prior to commencement of construction, each Government furnish the other with full information concerning any vessel to be constructed at Great Lakes ports;

"(c) The armaments of the vessels are placed in such condition as to be incapable of immediate use while the vessels remain in the Great Lakes; and

"(d) The vessels are promptly removed from the Great Lakes upon completion.

"I should be grateful if you would let me know, in due course, whether the above suggestion commends itself to your Government.

"Yours sincerely,

O. D. SKELTON"

"OTTAWA, *November 2, 1940.*

"MY DEAR DR. SKELTON:

"I have received your letter of October 30, 1940, in which, after referring to Mr. Roper's letter to you of June 9, 1939, and to your reply to him of June 10, 1939, concerning certain questions regarding the interpretation of the Rush-Bagot Agreement of 1817, you comment on the previous practice in this regard, in the light of modern conditions of naval construction, and make the suggestion that a further interpretation of the Rush-Bagot Agreement might be made in conformity with the intent of the Agreement that important naval vessels should not be built for service on the Great Lakes. This would involve recognition that arma-

ment might be installed on naval vessels constructed on the Great Lakes provided that:

“(a) The vessels are not intended for service on the Great Lakes;

“(b) Prior to commencement of construction, each Government furnish the other with full information concerning any vessel to be constructed at Great Lakes ports;

“(c) The armaments of the vessels are placed in such condition as to be incapable of immediate use while the vessels remain in the Great Lakes; and

“(d) The vessels are promptly removed from the Great Lakes upon completion.

“In reply, I am authorized to inform you that the United States Government agrees to this further interpretation of the Rush-Bagot Agreement.

“Sincerely yours,

PIERREPONT MOFFAT”

XXXIII. Agreement With Great Britain for the Use and Operation of Certain Bases

(Dept. of State Bulletin, Vol. IV, No. 92, March 29, 1941)

The text of the President's letter of transmittal to the Congress follows:

TO THE CONGRESS OF THE UNITED STATES:

On September 3, 1940, I transmitted for the information of the Congress notes exchanged between the British Ambassador at Washington and the Secretary of State on the preceding day, under which this government acquired the right to lease naval and air bases in Newfoundland and in the islands of Bermuda, the Bahamas, Jamaica, St. Lucia, Trinidad, and Antigua, and in British Guiana. I now transmit for the information of the Congress a copy of an agreement for the use and operation of these bases, which was signed in London on March 27, 1941, together with the notes exchanged in connection therewith. These bases are for American defense against attack and their construction is consistent with such defense. International developments since my message to the Congress of September third last have emphasized the value to the Western Hemisphere of these outposts of security.

FRANKLIN D. ROOSEVELT

THE WHITE HOUSE,
March 27, 1941.

The text of the agreement for the use and operation by the United States of certain naval and air bases leased from Great Britain, signed in London on March 27, 1941, together with the text of notes exchanged in connection therewith, is as follows:

Whereas the Government of the United Kingdom of Great Britain and Northern Ireland, in consultation with

the Government of Newfoundland, are desirous at this time of further effectuating the declarations made on their behalf by His Excellency the Most Honourable the Marquess of Lothian, C.H., His Majesty's Ambassador Extraordinary and Plenipotentiary, in his communication of the 2nd September, 1940, to the Secretary of State of the United States of America, a copy of which is set out in Annex I hereto and made a part hereof;

And whereas it is agreed that leases in respect of the naval and air bases to be leased to the United States of America in Newfoundland, Bermuda, Jamaica, St. Lucia, Antigua, Trinidad and British Guiana, respectively, shall forthwith be executed substantially in the forms of the leases set out in Annex II hereto which are hereby approved, and that a similar lease in respect of a base in the Bahamas shall be executed as soon as possible.

And whereas it is desired to determine by common agreement certain matters relating to the lease of the said bases, as provided in the communication of the 2nd September, 1940, and the reply thereto of the same date from the Honourable Cordell Hull, Secretary of State of the United States, set out in Annex I and made a part hereof;

And whereas it is desired that this agreement shall be fulfilled in a spirit of good neighbourliness between the Government of the United Kingdom and the Government of the United States of America, and that details of its practical application shall be arranged by friendly cooperation; the undersigned, duly authorised to that effect, have agreed as follows:

ARTICLE I. GENERAL DESCRIPTION OF RIGHTS

(1) The United States shall have all the rights, power and authority within the leased areas which are necessary for the establishment, use, operation and defence thereof, or appropriate for their control, and all the rights, power and authority within the limits of territorial waters and air spaces adjacent to, or in the vicinity of, the leased areas, which are necessary to provide access to and defence of the leased areas, or appropriate for control thereof.

(2) The said rights, power and authority shall include, *inter alia*, the right, power and authority :

(A) To construct (including dredging and filling), maintain, operate, use, occupy and control the said bases.

(B) To improve and deepen the harbours, channels, entrances and anchorages, and generally to fit the premises for use as naval and air bases.

(C) To control, so far as may be required for the efficient operation of the bases, and within the limits of military necessity, anchorage, moorings, and movements of ships and water-borne craft and the anchorage, moorings, landings, take-offs, movements and operations of aircraft.

(D) To regulate and control within the leased areas all communications within, to and from the areas leased.

(E) To install, maintain, use and operate under-sea and other defences, defence devices and controls, including detecting and other similar facilities.

(3) In the exercise of the above-mentioned rights, the United States agrees that the powers granted to it outside the leased areas will not be used unreasonably or, unless required by military necessity, so as to interfere with the necessary rights of navigation, aviation, or communication to or from within the territories, but that they shall be used in the spirit of the fourth clause of the preamble.

(4) In the practical application outside the leased areas of the foregoing paragraphs there shall be, as occasion requires, consultation between the Government of the United States and the Government of the United Kingdom.

ARTICLE II. SPECIAL EMERGENCY POWERS

When the United States is engaged in war or in time of other emergency the Government of the United Kingdom agree that the United States may exercise in the territories and surrounding waters or air spaces all such rights, power and authority as may be necessary for conducting any military operations deemed desirable by the United States, but these rights will be exercised with all possible regard to the spirit of the fourth clause of the preamble.

ARTICLE III. NON-USER

The United States shall be under no obligation to improve the leased areas or any part thereof for use as naval or air bases, or to exercise any right, power or authority granted in respect of the leased areas, or to maintain forces therein, or to provide for the defence thereof; but if and so long as any leased area, or any part thereof, is not used by the United States for the purposes in this agreement set forth, the Government of the United Kingdom or the Government of the Territory may take such steps therein as shall be agreed with the United States to be desirable for the maintenance of public health, safety, law and order, and, if necessary, for defence.

ARTICLE IV. JURISDICTION

(1) In any case in which

(A) A member of the United States forces, a national of the United States or a person who is not a British subject shall be charged with having committed, either within or without the leased areas, an offence of a military nature, punishable under the law of the United States, including, but not restricted to, treason, an offence relating to sabotage or espionage, or any other offence relating to the security and protection of United States naval and air bases, establishments, equipment or other property or to operations of the Government of the United States in the territory; or

(B) A British subject shall be charged with having committed any such offence within a leased area and shall be apprehended therein; or

(C) A person other than a British subject shall be charged with having committed an offence of any other nature within a leased area, the United States shall have the absolute right in the first instance to assume and exercise jurisdiction with respect to such offence.

(2) If the United States shall elect not to assume and exercise such jurisdiction the United States authorities shall, where such offence is punishable in virtue of legislation enacted pursuant to Article V or otherwise under the law

of the territory, so inform the Government of the territory and shall, if it shall be agreed between the Government of the Territory and the United States authorities that the alleged offender should be brought to trial, surrender him to the appropriate authority in the territory for that purpose.

(3) If a British subject shall be charged with having committed within a leased area an offence of the nature described in paragraph (1) (A) of this article, and shall not be apprehended therein, he shall, if in the territory outside the leased areas, be brought to trial before the courts of the territory; or, if the offence is not punishable under the law of the territory, he shall, on the request of the United States authorities, be apprehended and surrendered to the United States authorities and the United States shall have the right to exercise jurisdiction with respect to the alleged offence.

(4) When the United States exercises jurisdiction under this article and the person charged is a British subject, he shall be tried by a United States court sitting in a leased area in the territory.

(5) Nothing in this agreement shall be construed to affect, prejudice or restrict the full exercise at all times of jurisdiction and control by the United States in matters of discipline and internal administration over members of the United States forces, as conferred by the law of the United States and any regulations made thereunder.

ARTICLE V. SECURITY LEGISLATION

The Government of the Territory will take such steps as may from time to time be agreed to be necessary with a view to the enactment of legislation to ensure the adequate security and protection of the United States naval and air bases, establishments, equipment and other property, and the operations of the United States under the leases and this agreement and the punishment of persons who may contravene any laws or regulations made for that purpose. The Government of the Territory will also from time to time consult with the United States authorities in order

that the laws and regulations of the United States and the territory in relation to such matters may, so far as circumstances permit, be similar in character.

ARTICLE VI. ARREST AND SERVICE OF PROCESS

(1) No arrest shall be made and no process, civil or criminal, shall be served within any leased area except with the permission of the commanding officer in charge of the United States forces in such leased area; but should the commanding officer refuse to grant such permission he shall (except in cases where the United States authorities elect to assume and exercise jurisdiction in accordance with Article IV (1)) forthwith take the necessary steps to arrest the person charged and surrender him to the appropriate authority of the territory or to serve such process, as the case may be, and to provide for the attendance of the server of such process before the appropriate court of the territory or procure such server to make the necessary affidavit or declaration to prove such service.

(2) In cases where the courts of the United States have jurisdiction under Article IV, the Government of the Territory will on request give reciprocal facilities as regards the service of process and the arrest and surrender of alleged offenders.

(3) In this article the expression "process" includes any process by way of summons, subpoena, warrant, writ or other judicial document for securing the attendance of a witness, or for the production of any documents or exhibits, required in any proceedings civil or criminal.

ARTICLE VII. RIGHT OF AUDIENCE FOR UNITED STATES COUNSEL

In cases in which a member of the United States forces shall be a party to civil or criminal proceedings in any court of the territory by reason of some alleged act or omission arising out of or in the course of his official duty, United States counsel (authorised to practise before the courts of the United States) shall have the right of audience, provided that such counsel is in the service of the

Government of the United States and appointed for that purpose either generally or specially by the appropriate authority.

ARTICLE VIII. SURRENDER OF OFFENDERS

Where a person charged with an offence which falls to be dealt with by the courts of the territory is in a leased area, or a person charged with an offence which falls under Article IV to be dealt with by courts of the United States is in the territory but outside the leased areas, such person shall be surrendered to the Government of the Territory or to the United States authorities, as the case may be, in accordance with special arrangements made between that Government and those authorities.

ARTICLE IX. PUBLIC SERVICES

The United States shall have the right to employ and use all utilities, services and facilities, roads, highways, bridges, viaducts, canals and similar channels of transportation belonging to, or controlled or regulated by, the Government of the Territory or the Government of the United Kingdom, under conditions comparable to and no less favourable than those applicable from time to time to the Government of the United Kingdom.

ARTICLE X. SURVEYS

(1) The United States shall have the right, after appropriate notification has been given to the Government of the territory to make topographic and hydrographic surveys outside the leased areas in any part of the territories and waters adjacent thereto. Copies, with title and triangulation data, of any surveys so made will be furnished to the Government of the territory.

(2) Notification and copies will be given to the United States authorities of any such surveys carried out by the Government of the United Kingdom or the Government of the Territory.

ARTICLE XI. SHIPPING AND AVIATION

(1) Lights and other aids to navigation of vessels and aircraft placed or established in the leased areas and the territorial waters adjacent thereto or in the vicinity thereof shall conform to the system in use in the territory. The position, characteristics and any alterations thereof shall be notified in advance to the appropriate authority in the territory.

(2) United States public vessels operated by the War or Navy Departments, by the Coast Guard or by the Coast and Geodetic Survey, bound to or departing from a leased area shall not on entering or leaving the leased area or the territorial waters in the vicinity thereof be subject to compulsory pilotage or to light or harbour dues in the territory. If a pilot is taken pilotage shall be paid for at appropriate rates.

(3) British commercial vessels may use the leased areas on the same terms and conditions as United States commercial vessels.

(4) It is understood that a leased area is not a part of the territory of the United States for the purpose of coast-wise shipping laws so as to exclude British vessels from trade between the United States and the leased areas.

(5) Commercial aircraft will not be authorized to operate from any of the bases (save in case of emergency or for strictly military purposes under supervision of the War or Navy Departments) except by agreement between the United States and the Government of the United Kingdom, provided that in the case of Newfoundland such agreement shall be between the United States and the Government of Newfoundland.

ARTICLE XII. MOTOR TRAFFIC

(1) Standard and test types of motor vehicles as determined by the United States shall not be prevented from using roads in a territory by reason of noncompliance with any law relating to construction of motor vehicles.

(2) No tax or fee shall be payable in respect of registration or licensing for use in a territory of motor vehicles belonging to the Government of the United States.

ARTICLE XIII. IMMIGRATION

(1) The immigration laws of the territory shall not operate or apply so as to prevent admission into the territory for the purposes of this agreement of any member of the United States forces posted to a leased area or any person (not being a national of a power at war with His Majesty the King) employed by, or under a contract with, the Government of the United States in connection with the construction, maintenance, operation or defence of the bases in the territory; but suitable arrangements will be made by the United States to enable such persons to be readily identified and their status to be established.

(2) If the status of any person within the territory and admitted thereto under the foregoing paragraph shall be altered so that he would no longer be entitled to such admission, the United States authorities shall notify the Government of the Territory and shall, if such person be required to leave the territory by that Government, be responsible for providing him with a passage from the territory within a reasonable time, and shall in the meantime prevent his becoming a public responsibility of the territory.

ARTICLE XIV. CUSTOMS AND OTHER DUTIES

(1) No import, excise, consumption or other tax, duty or impost shall be charged on

(A) Material, equipment, supplies or goods for use in the construction, maintenance, operation or defence of the bases, consigned to, or destined for, the United States authorities or a contractor;

(B) Goods for use or consumption aboard United States public vessels of the Army, Navy, Coast Guard or Coast and Geodetic Surveys;

(C) Goods consigned to the United States authorities for the use of institutions under Government control known as

Post Exchanges, Ships' Service Stores, Commissary Stores or Service Clubs, or for sale thereat to members of the United States forces, or civilian employees of the United States being nationals of the United States and employed in connection with the bases, or members of their families resident with them and not engaged in any business or occupation in the territory;

(D) The personal belongings or household effects, of persons referred to in sub-paragraph (C) and of contractors and their employees, being nationals of the United States employed in the construction, maintenance or operation of the bases and present in the territory by reason only of such employment.

(2) No export tax shall be charged on the material, equipment, supplies or goods mentioned in paragraph (1) in the event of reshipment from the territory.

(3) This article shall apply notwithstanding that the material, equipment, supplies or goods pass through other parts of the territory en route to or from a leased area.

(4) Administrative measures shall be taken by the United States authorities to prevent the resale of goods which are sold under paragraph (1) (C), or imported under paragraph (1) (D) of this article, to persons not entitled to buy goods at such Post Exchanges, Ships' Service Stores, Commissary Stores or Service Clubs, or not entitled to free importation under paragraph (1) (D); and generally to prevent abuse of the customs privileges granted under this article. There shall be cooperation between such authorities and the Government of the Territory to this end.

ARTICLE XV. WIRELESS AND CABLES

(1) Except with the consent of the Government of the territory, no wireless station shall be established or submarine cable landed in a leased area otherwise than for military purposes.

(2) All questions relating to frequencies, power and like matters, used by apparatus designed to emit electric radiation, shall be settled by mutual arrangement.

ARTICLE XVI. POSTAL FACILITIES

The United States shall have the right to establish United States Post Offices in the leased areas for the exclusive use of the United States forces, and civilian personnel (including contractors and their employees) who are nationals of the United States and employed in connection with the construction, maintenance, operation or defence of the bases, and the families of such persons, for domestic use between United States Post Offices in leased areas and between such Post Offices and other United States Post Offices and Post Offices in the Panama Canal Zone and the Philippine Islands.

ARTICLE XVII. TAXATION

(1) No member of the United States forces or national of the United States, serving or employed in the territory in connection with the construction, maintenance, operation or defence of the bases, and residing in the territory by reason only of such employment, or his wife or minor children, shall be liable to pay income tax in the territory except in respect of income derived from the territory.

(2) No such person shall be liable to pay in the territory any poll tax or similar tax on his person, or any tax on ownership or use of property which is inside a leased area, or situated outside the territory.

(3) No person ordinarily resident in the United States shall be liable to pay income tax in the territory in respect of any profits derived under a contract made in the United States with the Government of the United States in connection with the construction, maintenance, operation or defence of the bases, or any tax in the nature of a license in respect of any service or work for the United States in connection with the construction, maintenance, operation or defence of the bases.

ARTICLE XVIII. BUSINESSES AND PROFESSIONS

Unless the consent of the Government of the Territory shall have been obtained—

(1) No business shall be established in a leased area; but the institutions referred to in Article XIV (1)(C) offering

goods, under a prohibition against resale, exclusively to the persons mentioned in the said Article XIV (1) (C) shall not be regarded as businesses for the purposes of this article;

(2) No person shall habitually render any professional services in a leased area, except to, or for, the Government of the United States or the persons mentioned in Article XIV (1) (C).

ARTICLE XIX. FORCES OUTSIDE LEASED AREAS

(1) United States forces stationed or operating outside the leased areas under separate agreement with the Government of the United Kingdom or the Government of the territory shall be entitled to the same rights and enjoy the same status as United States forces stationed within the leased areas.

(2) The United States shall be under no obligation to maintain forces outside the leased areas by virtue of such agreement.

ARTICLE XX. HEALTH MEASURES OUTSIDE LEASED AREAS

The United States shall have the right, in collaboration with the Government of the Territory and, where necessary, with the local authority concerned, to exercise, without other consideration than just compensation to private owners, if any, such powers as such Government and local authority and the Government of the United Kingdom may possess of entering upon any property in the vicinity of the leased areas for the purpose of inspection, and of taking any necessary measures to improve sanitation and protect health.

ARTICLE XXI. ABANDONMENT

The United States may at any time abandon any leased area or any part thereof, without thereby incurring any obligation, but shall give to the Government of the United Kingdom as long notice as possible and in any case not less than one year, of its intention so to do. At the expiration of such notice the area abandoned shall revert to the lessor. Abandonment shall not be deemed to have occurred in the absence of such notice.

ARTICLE XXII. REMOVAL OF IMPROVEMENTS

The United States may at any time before the termination of a lease, or within a reasonable time thereafter, take away all or any removable improvements placed by or on behalf of the United States in the leased area or territorial waters.

ARTICLE XXIII. RIGHTS NOT TO BE ASSIGNED

The United States will not assign or underlet or part with the possession of the whole or any part of any leased area, or of any right, power or authority granted by the leases or this agreement.

ARTICLE XXIV. POSSESSION

(1) On the signing of this agreement, leases of the leased areas, substantially in the forms respectively set out in Annex II hereto, shall be forthwith executed, and all rights, power, authority and control under such leases and under this agreement (including transfer of possession where it shall not previously have been transferred) shall thereupon become effective immediately, and pending execution of such leases they may be exercised ad interim and possession of the leased areas shall be immediately given so far as the location thereof is then ascertained. Where the precise location of a portion of any leased area is not ascertainable until more detailed descriptions are available, possession of such portion shall be given as rapidly as possible. This article shall not require occupiers of buildings in a leased area to be removed from such buildings until reasonable notice to vacate has been given and expired, due regard being had to the necessity of obtaining alternative accommodation.

(2) The foregoing paragraph shall not apply in relation to the Bahamas, but a lease of the leased area therein, in terms similar to those of the leases set out in Annex II hereto, and subject to such special provisions as may be agreed to be required, will be granted to the United States of America as soon as the location of that area shall have been agreed, whereupon this agreement shall apply thereto.

ARTICLE XXV. RESERVATIONS

(1) All minerals (including oil), and antiquities and all rights relating thereto and to treasure trove, under, upon, or connected with the land and water comprised in the leased areas or otherwise used or occupied by the United States by virtue of this agreement, are reserved to the Government and inhabitants of the territory; but no rights so reserved shall be transferred to third parties, or exercised within the leased areas, without the consent of the United States.

(2) The United States will permit the exercise of fishing privileges within the leased areas in so far as may be found compatible with military requirements, and in the exercise of its rights will use its best endeavours to avoid damage to fisheries in the territory.

ARTICLE XXVI. SPECIAL PROVISIONS FOR INDIVIDUAL TERRITORIES

The provisions contained in Annex III hereto shall have effect in relation to the territories to which they respectively appertain.

ARTICLE XXVII. SUPPLEMENTARY LEASES

The United States may, by common agreement, acquire by supplementary lease for the unexpired period of the lease granted in a territory, such additional areas, sites and locations as may be found necessary for the use and protection of the bases upon such terms and conditions as may be agreed, which shall unless there are special reasons to the contrary be on the basis of those contained in this agreement.

ARTICLE XXVIII. MODIFICATION OF THIS AGREEMENT

The Government of the United States and the Government of the United Kingdom agree to give sympathetic consideration to any representations which either may make after this agreement has been in force a reasonable time, proposing a review of any of the provisions of this agree-

ment to determine whether modifications in the light of experience are necessary or desirable. Any such modifications shall be by mutual consent.

ARTICLE XXIX

The United States and the Government of the Territory respectively will do all in their power to assist each other in giving full effect to the provisions of this agreement according to its tenor and will take all appropriate steps to that end. During the continuance of any lease, no laws of the territory which would derogate from or prejudice any of the rights conferred on the United States by the lease or by this agreement shall be applicable within the leased area, save with the concurrence of the United States.

ARTICLE XXX. INTERPRETATION

In this agreement, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them:

“Lease” means a lease entered into in pursuance of the communications set out in Annex I hereto, and in relation to any territory means a lease entered into in respect of an area therein.

“Leased Area” means an area in respect of which a lease is or will be entered into.

“Base” means a base established in pursuance of the said communications.

“Territory” means a part of His Majesty’s Dominions in which a lease is entered into in pursuance of the communications set out in Annex I hereto; and,

“The Territory” means the territory concerned.

“The United States Authorities” means the authority or authorities from time to time authorized or designated, by the Government of the United States of America, for the purpose of exercising the powers in relation to which the expression is used.

“United States Forces” means the naval and military forces of the United States of America.

"British Subject" includes British protected person.

Signed in London in duplicate this twenty-seventh day of March, 1941.

On behalf of the United States of America :

JOHN G. WINANT,
Ambassador of the United States of America.

CHARLES FAHY.

HARRY J. MALONY.

HAROLD BIESEMEIER.

On behalf of the Government of the United Kingdom of Great Britain and Northern Ireland :

WINSTON CHURCHILL,
Prime Minister.

LORD CRANBORNE,
Secretary of State for Dominions.

LORD MOYNE,
Secretary of State for Colonies.

ANNEX I

The British Ambassador (Lothian) to the Secretary of State (Hull)

BRITISH EMBASSY,
WASHINGTON, D. C.,
September 2nd, 1940.

SIR :

I have the honour under instructions from His Majesty's Principal Secretary of State for Foreign Affairs to inform you that in view of the friendly and sympathetic interest of His Majesty's Government in the United Kingdom in the national security of the United States and their desire to strengthen the ability of the United States to cooperate effectively with the other nations of the Americas in the defence of the Western Hemisphere, His Majesty's Government will secure the grant to the Government of the United States, freely and without consideration, of the lease for immediate establishment and use of naval and air bases and facilities for entrance thereto and the operation and protection thereof, on the Avalon Peninsula and on the southern coast

of Newfoundland, and on the east coast and on the Great Bay of Bermuda.

Furthermore, in view of the above and in view of the desire of the United States to acquire additional air and naval bases in the Caribbean and in British Guiana, and without endeavouring to place a monetary or commercial value upon the many tangible and intangible rights and properties involved, His Majesty's Government will make available to the United States for immediate establishment and use naval and air bases and facilities for entrance thereto and the operation and protection thereof, on the eastern side of the Bahamas, the southern coast of Jamaica, the western coast of St. Lucia, the west coast of Trinidad in the Gulf of Paria, in the island of Antigua and in British Guiana within fifty miles of Georgetown, in exchange for naval and military equipment and material which the United States Government will transfer to His Majesty's Government.

All the bases and facilities referred to in the preceding paragraphs will be leased to the United States for a period of ninety-nine years, free from all rent and charges other than such compensation to be mutually agreed on to be paid by the United States in order to compensate the owners of private property for loss by expropriation or damage arising out of the establishment of the bases and facilities in question.

His Majesty's Government, in the leases to be agreed upon, will grant to the United States for the period of the leases all the rights, power, and authority within the bases leased, and within the limits of the territorial waters and air spaces adjacent to or in the vicinity of such bases, necessary to provide access to and defence of such bases, and appropriate provisions for their control.

Without prejudice to the above-mentioned rights of the United States authorities and their jurisdiction within the leased areas, the adjustment and reconciliation between the jurisdiction of the authorities of the United States within these areas and the jurisdiction of the authorities of the territories in which these areas are situated, shall be determined by common agreement.

The exact location and bounds of the aforesaid bases, the necessary seaward, coast and anti-aircraft defences, the location of sufficient military garrisons, stores and other necessary auxiliary facilities shall be determined by common agreement.

His Majesty's Government are prepared to designate immediately experts to meet with experts of the United States for these purposes. Should these experts be unable to agree in any particular situation, except in the case of Newfoundland and Bermuda, the matter shall be settled by the Secretary of State of the United States and His Majesty's Secretary of State for Foreign Affairs.

I have [etc.]

LOTHIAN

The Honourable CORDELL HULL,
Secretary of State of the United States,
Washington, D. C.

The Secretary of State (Hull) to the British Ambassador
(Lothian)

DEPARTMENT OF STATE,
Washington, September 2, 1940.

EXCELLENCY:

I have received your note of September 2, 1940, of which the text is as follows:

[Here follows text of note printed above.]

I am directed by the President to reply to your note as follows:

The Government of the United States appreciates the declarations and the generous action of His Majesty's Government as contained in your communication which are destined to enhance the national security of the United States and greatly to strengthen its ability to cooperate effectively with the other nations of the Americas in the defense of the Western Hemisphere. It therefore gladly accepts the proposals.

The Government of the United States will immediately designate experts to meet with experts designated by His

Majesty's Government to determine upon the exact location of the naval and air bases mentioned in your communication under acknowledgment.

In consideration of the declarations above quoted, the Government of the United States will immediately transfer to His Majesty's Government fifty United States Navy destroyers generally referred to as the twelve hundred-ton type.

Accept [etc.]

CORDELL HULL

His Excellency

The Right Honorable

THE MARQUESS OF LOTHIAN, C.H.,

British Ambassador.

ANNEX II. FORMS OF LEASES

1. NEWFOUNDLAND.

This indenture of lease made the ----- day of -----, nineteen hundred and forty-one, between His Excellency Sir Humphrey Walwyn, K.C.S.I., K.C.M.G., C.B., D.S.O., Governor and Commander-in-chief in and over the island of Newfoundland and its dependencies, in commission, hereinafter referred to as the Newfoundland Government, of the first part, and the United States of America, of the other part:

Whereas by notes exchanged on the second day of September, nineteen hundred and forty (copies of which are appended to the agreement hereinafter referred to), between His Majesty's Ambassador at Washington and the Secretary of State of the United States of America, His Majesty's Government in the United Kingdom undertook to secure the grant to the United States of America of the lease of certain naval and air bases and facilities in certain localities, including Newfoundland, for a period of ninety-nine years, free from all rent and charges other than compensation to be mutually agreed on to be paid by the United States in order to compensate the owners of private property for loss by expropriation or damage arising out of the establishment of the said bases and facilities; and,

Whereas in furtherance of the said notes an agreement between the Government of the United Kingdom and the

United States of America was signed on the 27th day of March, nineteen hundred and forty-one; and,

Whereas in compliance with the undertaking of the Government of the United Kingdom hereinbefore referred to the Newfoundland Government has agreed to demise and lease the several pieces or parcels of land hereinafter described. Now this indenture witnesseth that in consideration of the premises the Newfoundland Government hath demised and leased and by these presents doth demise and lease unto the United States of America all those six several pieces or parcels of land (hereinafter referred to as the leased areas) described in the schedule to these presents and delineated on the plants hereto annexed:

To have and to hold the same for the full end and term of ninety-nine years to begin and to be computed from the date of these presents free from the payment of all rent and charges other than compensation as aforesaid. And the United States of America agrees that it will not during the term hereby granted use the leased areas nor permit the use thereof except for the purposes specified and on the terms and conditions contained in the aforesaid notes and agreement, which are incorporated in and form part of these presents except such parts thereof as refer specifically to territory other than Newfoundland.

Schedule

(1) Beginning at the intersection of the shoreline northwest of Placentia with latitude 47 degrees 16 minutes N., thence due east approximately 7,300 feet to longitude 53 degrees 58 minutes 18 seconds W.; thence in a northeasterly direction approximately 8,200 feet to latitude 47 degrees 17 minutes 12 seconds N., longitude 53 degrees 57 minutes 25 seconds W.; thence in a northwesterly direction approximately 4,200 feet to the intersection of the shoreline with longitude 53 degrees 57 minutes 58 seconds W.; thence along the shoreline to the point of beginning, including therein the Peninsula of Argientia lying between Little Placentia Harbour and Placentia Bay, the entire site containing approximately 2,610 acres; there is reserved from the fore-

going all those areas, contained within a right-of-way of the Newfoundland railway, its wharf, property and station at Argentia, as may be mutually determined to be essential to the operation of the said railway.

(2) Beginning at the intersection of the Boulevard along the northwest shore of Quidi Vidi Lake, with the road approximately perpendicular thereto at the Rose residence known as Grove Farm Road; thence approximately 600 yards northwest along the road and its extension; thence generally north on an irregular line along, but not including, the southeast edge of the golf course; thence generally north to the junction of the White Hills Roads; thence southeast along the northernmost of these roads to the Boulevard; thence generally southwest to point of beginning.

(3) An area about 300 feet wide on the eastern boundary of the municipal park between the Boulevard and the shoreline of Quidi Vidi Lake, the two last above described areas containing approximately 160 acres.

(4) An area of approximately 700 feet by 1,400 feet on the crest of the White Hills about $\frac{1}{2}$ mile east of the White Hills Road with a connecting strip about 60 feet wide across the property of Arthur Cooke.

(5) Beginning at a point on the shoreline of St. George's Bay eastward of the town of Stephenville and about 1,350 feet southeast of the small natural outlet of Blanche Brook, which outlet is about 16,000 feet northwest of Indian Head Light at the entrance of St. George's Harbour; thence north 50 degrees 30 minutes east a distance of about 1,285 feet to a point on the west shoreline of Stephenville Pond at its northwest outlet; thence following the general westerly shoreline of Stephenville Pond northeasterly to a point on said shoreline which bears north 25 degrees 15 minutes east and is approximately 3,700 feet from the last described point; thence north 7 degrees 45 minutes east a distance of 1,970 feet to a point; thence north 47 degrees west a distance of 4,220 feet to a point; thence south 43 degrees west a distance of about 6,850 feet to the shoreline of St. George's Bay (this course touches the shoreline of Blanche Brook at a point about 900 feet northeast from St. George's Bay); thence southeasterly following the general shoreline of St.

George's Bay for a distance of about 5,000 feet to the point of beginning.

(6) From a point at the intersection of the centre lines of Signal Hill Road and Middle Battery Road; thence south 44 degrees 17 minutes 41.3 seconds east along Middle Battery Road for a distance of 268.11 feet; thence south 54 degrees 9 minutes 41.3 seconds east along Middle Battery Road for a distance of 95.36 feet to the point which is the point of commencement; thence from the point of beginning south 18 degrees 39 minutes 3 seconds west for a distance of 201.44 feet; thence south 12 degrees 4 minutes 2 seconds west for a distance of 12 feet; thence along the north shoreline of St. John's Harbour southward and eastward for a distance of 1,025 feet; thence north 26 degrees 26 minutes 47.57 seconds east for a distance of 50 feet to the centre line of Middle Battery Road; thence along Middle Battery Road north 57 degrees 5 minutes 32.43 seconds west for a distance of 246.17 feet; thence north 85 degrees 57 minutes 28.94 seconds west for a distance of 182.86 feet; thence north 73 degrees 16 minutes 50.1 seconds west for a distance of 165.95 feet; thence north 55 degrees 29 minutes 29.31 seconds west for a distance of 243.87 feet; thence north 54 degrees 9 minutes 41.3 seconds west for a distance of 199.67 feet.

(7) The exact metes and bounds of the property generally described in the schedule hereto shall with all convenient speed be established by survey conducted by the United States of America, and shall then be described and delineated in a document or documents and a plan or plans in duplicate, which, when agreed and signed on behalf of the parties hereto, shall supersede the description contained in the schedule hereto and the plans annexed hereto. One copy of each such document and plan shall be retained by the United States of America and the other shall be deposited with the Government of Newfoundland. In witness whereof the Great Seal of the Island of Newfoundland has been affixed to these presents at St. John's in the island aforesaid.

By His Excellency's command, Commissioner for Home Affairs, and the United States of America has caused these presents to be executed on its behalf by ----- the day and the year first above written.

2. BERMUDA.

This lease made the _____ of _____, nineteen hundred and forty-one between His Majesty the King of the one part and the United States of America of the other part. Whereas by notes exchanged on the second day of September, nineteen hundred and forty (copies of which are appended to the agreement hereinafter referred to), His Majesty's Government in the United Kingdom made, and the Government of the United States accepted, proposals for the grant to the Government of the United States, freely and without consideration, of the lease of naval and air bases and facilities connected therewith, in certain localities, including the east coast and the Great Bay of Bermuda, for a period of ninety-nine years free from all rent and charges other than compensation to be mutually agreed on to be paid by the United States in order to compensate the owners of private property for the loss by expropriation or damage arising out of the establishment of the said bases and facilities: and whereas in furtherance of such proposals an agreement between the Government of the United Kingdom and the United States of America was signed on the 27th day of March, nineteen hundred and forty-one: now, therefore, His Majesty doth hereby demise to the United States of America, free from all rent and charges other than compensation as hereinbefore mentioned, all that property described in the schedule hereto and delineated on the plan annexed hereto, to hold unto the United States of America for a term of ninety-nine years commencing on the date hereof, for the purposes specified in the aforesaid notes and with the rights, powers and authority and on the terms and conditions contained in the aforesaid agreement (except such parts thereof as relate specifically to territory other than Bermuda), which agreement (except as aforesaid) shall be regarded as incorporated in and made part of this lease.

(2) The exact metes and bounds of the property generally described in the schedule hereto shall with all convenient speed be established by survey conducted by the United States of America, and shall then be described and

delineated in a document or documents and a plan or plans in duplicate, which, when agreed and signed on behalf of the parties hereto, shall supersede the description contained in the schedule hereto and the plans annexed hereto. One copy of each such document and plan shall be retained by the United States of America and the other shall be deposited with the Governor or the Bermudas.

(3) The Government of the United States will not use the said property, or permit the use thereof, except for the purposes specified in the aforesaid notes and agreement. In witness whereof His Majesty the King has caused the public seal of the colony of the Bermudas to be affixed hereto and the United States of America has caused these presents to be executed on its behalf by ----- the day and the year first above written.

Schedule

Reference: Ordnance survey map, sheets 1 and 2, 1898-9, scale six inches equals one mile (enclosures (B) and (C), H. O. 27).

(1) Long Bird Island, including adjoining islands in Ferry Reach, and causeway to mainland south of Mullet Bay, the entire area containing approximately eighty acres.

(2) Beginning at Stokes' Point on the shoreline of St. George's Harbour; thence generally east and south along the shoreline to the western edge of Higgs' Bay; thence due south about one hundred and seventy-five feet to the road between Stokes' Point and St. David's Lighthouse; thence generally east along, but excluding, the said road to the road junction about three hundred and forty feet southeast of Burcher's Point; thence generally southeast along, but excluding, the said road to a point about one hundred and fifty feet northwest of its terminus on Ruth's Bay; thence east about seven hundred and twenty-five feet to the shoreline south of Cove Point; thence south along the shoreline to Ruth's Point; thence generally west along the shoreline to point of beginning; also Cave Island, Sandy Island, Little Round Island, Jones' Island, Round Island, Long Island, Grace's Island, Westcott Island, and adjacent unnamed islands in Castle Harbour; the entire area containing approximately two hun-

dred and sixty acres; provided that the highway between Stokes' Point and Higgs' Bay shall be excluded.

(3) Cooper's Island and all the islands and cays between Ruth's Point on St. David's Island and Cooper's Island, containing a total of approximately seventy-seven acres.

(4) Tucker's Island and Morgan's Island and the immediately adjacent cays, in Great Sound, containing a total of approximately fifty acres.

(5) Reference: Map prepared in 1898 by Lieutenant Savage. Beginning at a point on the shoreline about 2,500 feet southeast of the Somerset Bridge at the junction of a property line with the centre of the cove, proceed about 200 feet southwesterly along the said property line to a property line, thence about 630 feet southeasterly along property line to a property line, thence about 120 feet southwesterly along the said property line to a property line, thence about 620 feet south southeasterly along property line to an intersection of the said property line with the south boundary of the right-of-way of the "King's Point Road" so-called, thence about 280 feet northeasterly along the said south boundary of right-of-way of "King's Point Road" so-called, to an intersection with the west boundary of the right-of-way of the "George's Bay Road" so-called, thence about 675 feet in a generally south southeasterly direction along the said west boundary line of the right-of-way of "George's Bay Road" so-called, around the bend in the said road to an intersection with a property line, thence about 2,100 feet in a south southeasterly direction along broken property lines to a junction with the shore line in the cove about 600 feet north of "Monkey Hole", thence beginning northeasterly around shore line to the point of beginning, an area of about 78 acres.

3. JAMAICA.

This lease made the ----- day of -----, nineteen hundred and forty-one, between the Governor of the Colony of Jamaica on behalf of His Majesty the King of the one part and the United States of America of the other part; whereas by notes exchanged on the second day of September, nineteen hundred and forty (copies of which

are appended to the agreement hereinafter referred to), His Majesty's Government in the United Kingdom made, and the Government of the United States accepted, proposals for the grant to the Government of the United States, in exchange for naval and military equipment and material transferred by the United States to His Majesty's Government, of the lease of naval and air bases and facilities connected therewith, in certain localities, including the southern coast of Jamaica, for a period of ninety-nine years free from all rent and charges other than compensation to be mutually agreed on to be paid by the United States in order to compensate the owners of private property for the loss by expropriation or damage arising out of the establishment of the said bases and facilities; and whereas in furtherance of such proposals an agreement between the Government of the United Kingdom and the United States of America was signed on the 27th day of March, nineteen hundred and forty-one: now, therefore, the Governor of Jamaica on behalf of His Majesty doth hereby demise to the United States of America, free from all rent and charges other than compensation as hereinbefore mentioned, all that property described in the schedule hereto and delineated on the plan(s) annexed hereto, to hold unto the United States of America for a term of ninety-nine years commencing on the date hereof, for the purposes specified in the aforesaid notes and with the rights, powers and authority and on the terms and conditions contained in the aforesaid agreement (except such parts thereof as relate specifically to territory other than Jamaica), which agreement (except as aforesaid) shall be regarded as incorporated in and made part of this lease.

(2) The exact metes and bounds of the property generally described in the schedule hereto shall with all convenient speed be established by survey conducted by the United States of America, and shall then be described and delineated in a document or documents and a plan or plans in duplicate, which, when agreed and signed on behalf of the parties hereto, shall supersede the description contained in the schedule hereto and the plan(s) annexed hereto. One copy of each such document and plan shall be retained by

the United States of America and the other shall be deposited with the Governor of Jamaica.

(3) The Government of the United States will not use the said property, or permit the use thereof, except for the purposes specified in the aforesaid notes and agreement. In witness whereof the Governor of Jamaica, on behalf of His Majesty the King, has caused the broad seal of the said colony to be affixed hereto, and the United States of America has caused these presents to be executed on its behalf by ----- the day and the year first above written.

Schedule

(1) The waters of, and approaches to, Portland Bight, including Galleon Harbour, and Goat (Great and Little) Islands and the adjacent cays; the land area included therein being approximately two square miles.

Reference: Chart H. O. 1683.

(2) Beginning at a point (about longitude seventy-seven degrees, zero minutes, thirteen seconds, west; latitude seventeen degrees, fifty-seven minutes, forty-eight seconds, north) on the road between Hartland's Post Office about one-fourth of a mile south of the railroad crossing; thence along a southeast line a distance of three statute miles; thence due south to the shoreline on Manatee Bay; thence generally west and northwest along the shoreline to the small inlet about one-fourth of a mile northwest of Church Pen Gully outlet; thence north to an intersection with the road between Bushy Park Station and the village of Old Harbour; thence generally east to the crossing of the road between Bushy Park Station and Hartland's Station with Coleburn's Gully; thence generally northeast along (but excluding) this road to the point of beginning, the entire tract containing approximately thirty-four square miles.

Reference: Map of the plains of St. Catherine, scale two inches equal one mile.

(3) Beginning at the point on the southern shoreline of Portland Ridge (peninsula), where it is intersected by longitude seventy-seven degrees, twelve minutes, thirty seconds, west (approximately longitude seventy-seven degrees, thir-

teen minutes, west, on the map of Jamaica, 1926, P.W.D.) ; thence north along this longitude to the northern shoreline of Portland Ridge; thence generally east, south and west along the shoreline to point of beginning, the entire tract containing approximately eighteen square miles.

Reference: Chart H.O. 1683; and map of Jamaica, corrected to 1926. P.W.D. scale one inch equals 2.698 miles.

(4) Pigeon Island (an area of about fifty acres).

Reference: Chart H.O. 1683.

(5) Beginning at the point on the improved road between Rest and May Pen where it crosses the canal running southeast from Rhynsberry to Manningsfield, along the road generally southwest for a distance of one statute mile; thence generally southeast for one statute mile; thence generally northeast to the canal; thence along (but excluding) the canal northwest to point of beginning, the entire tract containing approximately one square mile.

Reference: Chart H.O. 1683: Map of Jamaica, corrected to 1926, P.W.D. scale one inch equals 2.698 miles.

(6) Beginning at the point where the road between Dunkeld (approximately mile post 47) and Mandeville crosses the Jamaica Government Railroad, generally northwest along (but excluding) the railway right-of-way approximately eight hundred yards to fence line of Martin's Hill; thence west of south about one thousand yards to fence line; thence generally east along meandering fence line to fence corner; thence generally north along fence line to its intersection with the railway right-of-way; thence generally northwest along the said right-of-way to point of beginning, the entire tract containing approximately two hundred and twenty-five acres; provided that the highway right-of-way through this tract shall be excluded.

Reference: Untitled land map of area north of Mandeville, scale four inches equal one mile; and map of the Parish of Manchester, scale one inch equals one mile.

4. SAINT LUCIA.

This lease made the ----- day of -----, nineteen hundred and forty-one between His Majesty the King of the one part and the United States of America

of the other part; whereas by notes exchanged on the second day of September, nineteen hundred and forty (copies of which are appended to the agreement hereinafter referred to), His Majesty's Government in the United Kingdom made, and the Government of the United States accepted, proposals for the grant to the Government of the United States, in exchange for naval and military equipment and material transferred by the United States to His Majesty's Government, of the lease of naval and air bases and facilities connected therewith, in certain localities, including the western coast of Saint Lucia, for a period of ninety-nine years free from all rent and charges other than compensation to be mutually agreed on to be paid by the United States in order to compensate the owners of private property for the loss by expropriation or damage arising out of the establishment of the said bases and facilities: and

Whereas in furtherance of such proposals an agreement between the Government of the United Kingdom and the United States was signed on the 27th day of March, nineteen hundred and forty-one:

Now, therefore, His Majesty doth hereby demise to the United States of America, free from all rent and charges other than compensation as hereinbefore mentioned, all that property described in the schedule hereto and delineated on the plan(s) annexed hereto, to hold unto the United States of America for a term of ninety-nine years commencing on the date hereof, for the purposes specified in the aforesaid notes and with the rights, powers and authority and on the terms and conditions contained in the aforesaid agreement (except such parts thereof as relate specifically to territory other than Saint Lucia), which agreement (except as aforesaid) shall be regarded as incorporated in and made part of this lease.

(2) The exact metes and bounds of the property generally described in the schedule hereto shall with all convenient speed be established by survey conducted by the United States of America, and shall then be described and delineated in a document or documents and a plan or plans in duplicate, which, when agreed and signed on behalf of

the parties hereto, shall supersede the description contained in the schedule hereto and the plan(s) annexed hereto. One copy of each such document and plan shall be retained by the United States of America and the other shall be deposited with the Governor of the Windward Islands.

(3) The Government of the United States will not use the said property, or permit the use thereof, except for the purposes specified in the aforesaid notes and agreement.

In witness whereof His Majesty the King has caused the public seal of the Colony of Saint Lucia to be affixed hereto, and the United States of America has caused these presents to be executed on its behalf by ----- the day and the year first above written.

Schedule

(1) Beginning at the point of intersection of the low water line of the shore of Gros Islet Bay an arm of the Caribbean Sea and the extension of the southern boundary line of the Gros Islet cemetery, proceed along this southern boundary line of said Gros Islet cemetery across the public high road and through the Reduit Estate to a point in the Reduit Estate a distance of approximately seven hundred eighty nine feet, said line bearing south sixty one degrees twenty three minutes east; thence, through the said Reduit Estate on a line bearing due south, a distance of about twenty nine hundred feet, to a point within said Reduit Estate; thence, through said Reduit Estate on a line bearing due west, a distance of about thirteen hundred six feet to a point on the Choc Dash Gros Islet high road; thence, along the westerly edge of the said Choc Dash Gros Islet high road on a line bearing south twenty degrees fifteen minutes west, a distance of about four hundred seventy six feet to a point; thence, on a line bearing south one degree three minutes east, a distance of about two hundred seventy seven feet to a point; thence, on a line bearing south forty seven degrees thirty five minutes west, a distance of about two hundred sixty nine feet to a point; thence, on a line bearing south twenty seven degrees forty minutes east a distance of about four hundred forty two feet to a point;

thence, along the southerly boundary of the said Reduit Estate and the northerly boundary of Richard Bojottes property on a line bearing south eighty seven degrees zero minutes west, a distance of about five hundred forty two feet; thence along said southerly boundary of said Reduit Estate and the easterly boundaries of David Similien and Mde. E. Corosmain's lands, on a line bearing north nineteen degrees zero minutes west, a distance of about seven hundred forty five feet to the northern point of said Mde. E. Corosmain's lands; thence, along the said southerly boundary of the said Reduit Estate and the westerly boundary of the said Mde. E. Corosmain's lands, on a line bearing south thirty degrees fifteen minutes west, a distance of about six hundred fifty two feet to the southeastern corner of lands of heirs Richard Africain; thence, along the said southern boundary of the said Reduit Estate and the eastern boundary of the said heirs Richard Africain's lands, on a line bearing north sixteen degrees zero minutes west, a distance of about five hundred four feet to a point; thence, on a line bearing north nineteen degrees thirty four minutes west, a distance of about six hundred sixty one feet to the northeastern corner of the lands of the said heirs Richard Africain; thence, along the said southerly boundary of the said Reduit Estate and the northerly boundary of the lands of the said heirs Richard Africain on a line bearing north sixty two degrees two minutes west, a distance of about seven hundred forty six feet to a point on the easterly line of the lands of Henri Claude *et al* and forming the northwestern corner of the lands of the said heirs Richard Africain and the southwestern corner of the said Reduit Estate; thence, along the easterly boundary of the lands of the said Henri Claude *et al* and the westerly boundary of the lands of the said heirs Richard Africain, on a line bearing south four degrees fifty eight minutes west, a distance of about three hundred forty five feet to the southeastern boundary of the property of the said Henri Claude *et al*; thence, along the southerly boundary of the lands of the said Henri Claude *et al* and the northerly boundaries of the lands of the said heirs Richard Africain and heirs Christophe Ambroise, on a line bearing south sixty nine degrees fifty five

minutes west a distance of about one thousand twenty seven feet to the intersection of said line with the low water line of the shore of the Caribbean Sea; thence, in a northerly and easterly direction along the low water line of the shore of the Caribbean Sea and Gros Islet Bay to the point of beginning; the entire tract containing approximately two hundred forty five acres.

(2) Reference: Map of Saint Lucia, scale 1 inch equals 400 feet, prepared by Department engineer, Puerto Rican Department, dated the 16th November, 1940.

Beginning at a point on the shoreline of Anse Pointe Sable about 2,700 feet southwest of Pointe Sable; thence south 86 degrees-00 minutes west a distance of 2,700 feet to a point; thence due north 950 feet to a point; thence south 87 degrees-00 minutes west a distance of approximately 1,000 feet to a point on Vieuxfort River (the boundary crossing Vieuxfort-Castries road at a point about 750 feet northerly from a railroad crossing near Vieuxfort Sugar Mill); thence northerly along Vieuxfort River a distance of approximately 3,700 feet to a point (this point being 400 feet up-stream from a road bridge or ford southwest of Tournay Village); thence parallel to, and 750 feet northwest of, the centre line of northeast-southwest runway (as finally located after survey), this line having a bearing of approximately north 38 degrees-00 minutes east and a distance of about 8,400 feet to a point which lies 800 feet south of a bridge or culvert on the Vieuxfort Castries Road (this bridge is located at the first sharp turn in the road at a distance of about two and one-third miles north of Vieuxfort Village); thence south 81 degrees-30 minutes east a distance of about 3,400 feet to a point on the shoreline south of Port Des Savannes, this line being located generally along a ridge which approaches the shoreline about 9,000 feet north of Pointe Sable; thence following southward along the shoreline a distance of about two and one-quarter miles to point of beginning; the entire tract containing approximately one thousand acres.

(3) (An area along the Vieuxfort Bay with a frontage of 1,000 feet and a depth of about 500 feet, not to include any part of the settled area of Vieuxfort Village.)

(4) (An area of about 10 acres in Vieuxfort Valley north of the area described in Paragraph 2 of this schedule suitable for construction of a dam and reservoir for water supply.)

(5) Maria Island.

(6) (A way-leave for water lines from reservoir to the area described in paragraph 2 of this schedule.)

5. ANTIGUA.

This lease made the ----- day of -----, nineteen hundred and forty-one between His Majesty the King of the one part and the United States of America of the other part.

Whereas by notes exchanged on the second day of September, nineteen hundred and forty (copies of which are appended to the agreement hereinafter referred to), His Majesty's Government in the United Kingdom made, and the Government of the United States accepted, proposals for the grant to the Government of the United States, in exchange for naval and military equipment and material transferred by the United States to His Majesty's Government, of the lease of naval and air bases and facilities connected therewith, in certain localities, including the Island of Antigua, for a period of ninety-nine years free from all rent and charges other than compensation to be mutually agreed on to be paid by the United States in order to compensate the owners of private property for the loss by expropriation or damage arising out of the establishment of the said bases and facilities: and,

Whereas in furtherance of such proposals an agreement between the Government of the United Kingdom and the United States of America was signed on the 27th day of March, nineteen hundred and forty-one:

Now, therefore, His Majesty doth hereby demise to the United States of America, free from all rent and charges other than compensation as hereinbefore mentioned, all that property described in the schedule hereto and delineated on the plan(s) annexed hereto, to hold unto the United States of America for a term of ninety-nine years commencing on the date hereof, for the purposes specified in the aforesaid notes and with the rights, powers and authority and on the

terms and conditions contained in the aforesaid agreement (except such parts thereof as relate specifically to territory other than the Island of Antigua) which agreement (except as aforesaid) shall be regarded as incorporated in and made part of this lease.

(2) The exact metes and bounds of the property generally described in the schedule hereto shall with all convenient speed be established by survey conducted by the United States of America, and shall then be described and delineated in a document or documents and a plan or plans in duplicate, which, when agreed and signed on behalf of the parties hereto, shall supersede the description contained in the schedule hereto and the plan(s) annexed hereto. One copy of each such document and plan shall be retained by the United States of America and the other shall be deposited with the Governor of the Leeward Islands.

(3) The Government of the United States will not use the said property, or permit the use hereof, except for the purposes specified in the aforesaid notes and agreement.

In witness whereof His Majesty the King has caused the public seal of the Presidency of Antigua to be affixed hereto and the United States of America has caused these presents to be executed on its behalf by ----- the day and the year first above written.

Schedule

(1) Beginning at an existing old boundary stone whose latitude is north seventeen degrees five minutes seventeen point eighteen seconds and longitude west sixty one degrees forty five minutes nineteen point thirty five seconds located between Codringtons and Crabbs Estates; thence, running south five degrees eight minutes west, a distance of seven point sixty feet to a point; thence, running north eighty one degrees forty four minutes west, a distance of thirteen hundred twenty eight feet to a point; thence, north seventy degrees thirty three minutes west, a distance of three hundred seven feet to a point; thence, north seventy eight degrees twenty eight minutes west, a distance of eighteen hundred thirty feet to a point on the low water line in Parham Harbor the latitude and longitude of said point being respec-

tively north seventeen degrees five minutes twenty three point sixty three seconds and west sixty one degrees forty five minutes fifty four point thirty nine seconds; thence, in a general northerly direction along the meanderings of the low water line along the west shore of Crabbs Peninsula to the most northerly point thereof and, thence, in a general southerly direction continuing along the meanderings of the low water line along the east shore of Crabbs Peninsula to a point whose latitude is north seventeen degrees five minutes thirty three point ninety eight seconds and longitude west sixty one degrees forty five minutes seventeen point seventy eight seconds; thence, south five degrees eight minutes west a distance of seventeen hundred feet to the old boundary stone, which is the point of beginning; the entire tract containing approximately four hundred thirty acres, also Rat and Mouse Islands.

(2) Beginning at a point on the east west road five hundred yards west of high point factory; thence north about five-eighths of a mile to the shoreline of Judges' Bay; then east, south, and southeast along the shoreline to Barnacle Promontory, thence south and west along the shoreline to the mouth of the unnamed stream south of Millar; thence west along the said stream about five-eighths of a mile; thence north about nine hundred and fifty yards to base of Date Hill and the eastern edge of Winthorpe's Village (the village being excluded); thence due north about three-eighths of a mile to the point of beginning; the entire tract of land containing approximately one and two-fifths square miles; excepting and excluding from this tract the residential part of the Millar estate.

6. TRINIDAD.

This lease made the ----- day of -----, nineteen hundred and forty-one between His Majesty the King of the one part and the United States of America of the other part.

Whereas by notes exchanged on the second day of September, nineteen hundred and forty (copies of which are appended to the agreement hereinafter referred to), His Majesty's Government in the United Kingdom made, and

the Government of the United States accepted, proposals for the grant to the Government of the United States, in exchange for naval and military equipment and material transferred by the United States to His Majesty's Government, of the lease of naval and air bases and facilities connected therewith, in certain localities, including the west coast of Trinidad, for a period of ninety-nine years free from all rent and charges other than compensation to be mutually agreed on to be paid by the United States in order to compensate the owners of private property for the loss by expropriation or damage arising out of the establishment of the said bases and facilities: and.

Whereas, in furtherance of such proposals an agreement between the Government of the United Kingdom and the United States of America was signed on the 27th day of March, nineteen hundred and forty-one:

Now, therefore, His Majesty doth hereby demise to the United States of America, free from all rent and charges other than compensation as hereinbefore mentioned, all that property described in the schedule hereto and delineated on the plan(s) annexed hereto, to hold unto the United States of America for a term of ninety-nine years commencing on the date hereof, for the purposes specified in the aforesaid notes and with the rights, powers and authority and on the terms and conditions contained in the aforesaid agreement (except such parts thereof as relate specifically to territory other than Trinidad) which agreement (except as aforesaid) shall be regarded as incorporated in and made part of this lease.

(2) The exact metes and bounds of the property generally described in the schedule hereto shall with all convenient speed be established by survey conducted by the United States of America, and shall then be described and delineated in a document or documents and a plan or plans in duplicate, which, when agreed and signed on behalf of the parties hereto, shall supersede the description contained in the schedule hereto and the plan(s) annexed hereto. One copy of each such document and plan shall be retained by the United States of America and the other shall be deposited with the Governor of Trinidad and Tobago.

(3) The Government of the United States will not use the said property, or permit the use thereof, except for the purposes specified in the aforesaid notes and agreement.

In witness whereof His Majesty the King has caused the public seal of the Colony of Trinidad and Tobago to be affixed hereto and the United States of America has caused these presents to be executed on its behalf by ----- the day and the year first above written.

Schedule

(1) Beginning at the intersection of the shoreline west of St. Pierre with longitude sixty-one degrees, thirty-five minutes, fifty-seven seconds, west, proceed northerly approximately sixty-seven hundred feet along the ridge of the hill to the triangulation station marked elevation ten hundred and twenty-four; thence due north twenty-eight hundred feet; thence due west approximately fifty-two hundred feet to the junction with the west side of Tucker Valley Road; thence northerly approximately seven hundred feet along the said road to the junction with the west side of the road of the branch road marked on the map in yellow; thence northwesterly and westerly approximately eleven thousand two hundred feet along the said branch road and the bridle path extension thereof, to the end of the said bridle path; thence northwest approximately fourteen hundred feet to the shoreline; thence along the said shoreline, starting southwesterly, around Entrada Point and Point Dalgada to a point on the shore one hundred feet southwest of the western end of Hart's Cut; thence on a straight line through the triangulation station marked elevation four hundred and sixty-two to the shoreline; thence around Point Gourde to the point of beginning; and, in addition thereto, Gasparillo Island and the Five Islands; the several areas totalling approximately twelve square miles; provided that the area known as La Retraite shall be excluded. Reference: Map of Trinidad and Tobago. Scales 1-50,000. Sheet A.

(2) Beginning at the road junction approximately 2,000 links east of the Guanapo River crossing of the eastern road

(approximate coordinates: 477,800 links east, 431,400 links north); thence generally north along boundary line of Guanapo Reserve approximately 7,000 links to angle in boundary line; thence west about 4,500 links to intersection with Guanapo River; thence generally north along Guanapo River to boundary of Guanapo Reserve; thence generally east along Guanapo Reserve boundary to point at 446,900 links north and 478,700 links east; thence east approximately 20,800 links; thence south approximately 9,000 links to northwest corner of Guaico Valencia Reserve; thence southeast along Reserve boundary to co-ordinate line 430,000 links north; thence east along this line about 7,500 links to intersection with road; thence southeast generally parallel with road between Valencia and Sangre-Grande town to corner of Reserve; thence along Reserve boundary to point on boundary at 522,400 links east and 413,500 links north; thence southeast about 3,500 links to point on Reserve boundary; thence generally south, west, and north along the Reserve boundary to point at about 489,000 links east and 411,250 links north; thence generally north across Aripo River to southwest corner of Cumuto Reserve; thence generally north along Reserve boundary to co-ordinate line 420,000 links north; thence west along this line about 10,000 links; thence north to point of beginning; the entire tract containing approximately eighteen square miles; provided that the existing eastern main road and the Trinidad Government Railway within the parcel shall be excluded. Reference: Map of Trinidad and Tobago. Scales 1-50,000. Sheets B., C. and E.

(3) Beginning at road crossing northeast of Longdenville at about 409,500 links east and 366,600 links north; thence north along (but excluding) road about 2,000 links; thence east about 4,500 links; thence south about 3,000 links; thence east about 11,400 links to road; thence south along (but excluding) road about 4,500 links to road junction; thence southeast along (but excluding trail) about 3,900 links to stream line; thence southwest about 4,500 links to Ravine Sable; thence generally west along Ravine Sable to crossing of improved road; thence northwest to road junction; thence

generally north along (but excluding) road to point of beginning; the entire tract containing approximately two square miles. Reference: Map of Trinidad and Tobago. Scales 1-50,000. Sheet D.

(4) Beginning at point on road from Mature to Toco where Primera Pria River crosses it; thence generally north-east along (but excluding) the road to the Saliboa River; thence generally south along the bank of the Saliboa River to the shore of Saline Bay; thence along the shoreline of Saline Bay to the mouth of the Primera Pria River; thence to point of beginning; the entire tract containing approximately ninety-six acres. Reference: Map of Trinidad and Tobago. Scales 1-50,000. Sheet C.

7. BRITISH GUIANA.

This lease made the ----- day of -----, nineteen hundred and forty-one between the Colony of British Guiana of the one part and the United States of America of the other part.

Whereas by notes exchanged on the second day of September, nineteen hundred and forty (copies of which are appended to the agreement hereinafter referred to) His Majesty's Government in the United Kingdom made, and the Government of the United States accepted, proposals for the grant to the Government of the United States, in exchange for naval and military equipment and material transferred by the United States to His Majesty's Government, of the lease of naval and air bases and facilities connected therewith, in certain localities, including British Guiana within fifty miles of Georgetown, for a period of ninety-nine years free from all rent and charges other than compensation to be mutually agreed on to be paid by the United States in order to compensate the owners of private property for the loss by expropriation or damage arising out of the establishment of the said bases and facilities: and,

Whereas in furtherance of such proposals an agreement between the Government of the United Kingdom and the United States of America was signed on the 27th day of March, nineteen hundred and forty-one:

Now, therefore, the colony of British Guiana doth hereby lease to the United States of America, free from all rent and charges other than compensation as hereinbefore mentioned, all that property described in the schedule hereto and delineated on the plan(s) annexed hereto, to hold unto the United States of America for a term of ninety-nine years commencing on the date hereof, for the purposes specified in the aforesaid notes and with the rights, powers and authority and on the terms and conditions contained in the aforesaid agreement (except such parts thereof as relate specifically to territory other than British Guiana), which agreement (except as aforesaid) shall be regarded as incorporated in and made part of this lease.

(2) The exact metes and bounds of the property generally described in the schedule hereto shall with all convenient speed be established by survey conducted by the United States of America, and shall then be described and delineated in a document or documents and a plan or plans in duplicate, which, when agreed and signed on behalf of the parties hereto, shall supersede the description contained in the schedule hereto and the plan(s) annexed hereto. One copy of each such document and plan shall be retained by the United States of America and the other shall be deposited with the Governor of British Guiana.

(3) The Government of the United States will not use the said property, or permit the use thereof, except for the purposes specified in the aforesaid notes and agreement.

In testimony whereof the parties have hereto set their hands the ----- day and the year first above written.

Schedule

(1) Beginning at a point on the right (east) bank of the Demerara River one thousand yards southwest of the road junction at Hyde Park; thence about one and one-half miles along the meandering line generally parallel to, and about one thousand yards southwest of, the unimproved road running generally southeast from Hyde Park and thence northeast about ninety five hundred feet; thence northwest about eight thousand feet to a point fifteen hundred feet east of

the Demerara River; thence generally southwest about forty-five hundred feet to the said unimproved road; thence northwest along (but excluding) the said road to the right (east) bank of the Demerara River; thence southwest along the bank of the river to the point of beginning, the entire tract containing approximately two and one-half square miles.

Reference: Plan of the sea coast of British Guiana, in two sheets, 1925.

(2) Beginning at the intersection of the shoreline of the east bank of the Essequibo River with latitude 6 degrees 29' 14" north at a point marked "Quarry End" as shown on British Admiralty Chart No. 2783 published the 26th September, 1929, and entitled "Essequibo River Amarikuru Island to Bartica," proceed in a due east direction approximately 8,000 feet; thence due south a distance of approximately 5,800 feet to the north bank of Makauria Creek; thence in a northwesterly direction along the north bank of Makauria Creek to the intersection of the said north bank with the shoreline of the east bank of the Essequibo River; thence in a generally northerly direction along the shoreline of the east bank of the Essequibo River to the point of beginning, the entire tract containing approximately 1,400 acres.

ANNEX III. SPECIAL PROVISIONS FOR INDIVIDUAL TERRITORIES

(A) SPECIAL PROVISIONS APPERTAINING TO BERMUDA

The United States will not close the existing channels from Ferry Point Bridge to St. George's Harbour or from St. George's Harbour through Stocks Harbour to Tucker's Town, unless it first provide alternative channels to give facilities at least as adequate as those given by the present channels.

2. In its application to Bermuda, Article 1 (2) (E) of this agreement shall be construed as including the right, power and authority to install, maintain, use and operate under-sea and other defences, defence devices and controls, including detecting and other similar facilities, in the entrance of

Castle Harbour; but the United States will not close the channel through Castle Roads to the open sea.

3. The United States shall have the right to construct a causeway between Tucker's Island and King's Point in Sandy's Parish, but a channel will be preserved and maintained between Tucker's Island and King's Point, sufficient for such vessels as now use the channel at present existing.

4.(a) In respect of the waters in the vicinity of Morgan's Island and Tucker's Island the United States shall have the right, power and authority to fill the whole or any part of the area generally described as follows:—

Beginning at the most northerly point of Tucker's Island, a line drawn easterly for a distance of twenty-one hundred feet, passing through a point approximately fifty feet north of the most northerly point of Morgan's Island, to a point; thence southeasterly along a line tangent to Morgan's Island to its most southeasterly point; thence a line to the most southwesterly point of Morgan's Island; thence a line to the most southerly point of Tucker's Island; thence following the shoreline of Tucker's Island to the point of beginning.

(b) The United States shall also have the right, power and authority to fill any indentations in the shoreline in the vicinity of King's Point in Sandy's Parish in order to straighten the shoreline.

5. The United States will not interrupt highway communication between Hamilton Parish and St. George's Island; and if its works or operations shall prevent the continued use of the present highway facilities between Blue Hole and the Swing Bridge on St. George's Island, and it does not provide alternative facilities, as satisfactory as the said present facilities, directly between those points, it will provide such alternative facilities between the main north shore road at Bailey's Bay and the main road at Mullet Bay, and will for that purpose construct and maintain a suitable drawbridge between Coney Island and Ferry Point.

6. Except when the United States is engaged in war, or in time of other emergency, the United States will not use motor vehicles outside the leased areas except so far as the Government of Bermuda shall agree to such use.

(B) SPECIAL PROVISIONS APPERTAINING TO JAMAICA

Without prejudice to the rights of the Government of the United Kingdom, the United States shall have the right to repair, restore, or construct, on the site of the old naval station at Port Royal on the Palisadoes Peninsula, shops, storehouses, piers, wharves, graving docks and other similar facilities useful and convenient for the supply, maintenance and repair of naval vesels, auxiliaries and similar craft. Such facilities may be used jointly and on equal terms, within the limits of their capacity, when and as conditions permit, by the United States and the Government of the United Kingdom. The United States will, in exercising such right, preserve features of historic interest so far as practicable.

(C) SPECIAL PROVISION APPERTAINING TO ST. LUCIA

The United States will maintain existing highways traversing the leased areas and will permit, without restrictions except such as may be necessary for military reasons, the use thereof without payment by the Government of the United Kingdom, the Government of St. Lucia and members of the public; or may, if it so desires, in substitution for such highways, construct for such use highways outside the leased areas.

(D) SPECIAL PROVISION APPERTAINING TO ANTIGUA

The United States will grant, without cost, to the present owner of the High Point estate a licence for the continued occupation, during the lifetime of the said owner, of any portion of the residential part of the said estate which on final survey may fall within the leased area.

(E) SPECIAL PROVISIONS APPERTAINING TO TRINIDAD

(1) Should the United States determine that it is necessary to remove the quarantine station from the Five Islands, the United States will pay just compensation for such removal, the amount of such compensation to be mutually agreed upon.

(2) The United States shall have the following rights:—

(a) To impound, take and use the waters of and in the watershed of the Aripo River north of the Cumuto area for the requirements of the United States forces from time to time stationed at or employed in the leased areas, and for all other necessary purposes connected with the construction, maintenance, operation and defence of the bases established in Trinidad by the United States;

(b) To construct, maintain and operate dams, reservoirs and other necessary works and facilities for the purposes aforesaid;

(c) To lay and maintain pipe-lines in and from the watershed across the lands of Trinidad for the purpose of carrying the said waters to the said bases, and to be afforded all way-leaves necessary for this purpose;

(d) To take and do all such measures, acts and things as may from time to time be necessary to control the areas comprised in the said watershed in order to safeguard, or prevent the pollution of, the said waters or otherwise to ensure their purity;

(e) To take on lease on the same terms as are contained in this agreement or to occupy such areas of land, whether in crown or private ownership, as may from time to time be necessary for any of the purposes aforesaid, with out consideration other than such compensation to be mutually agreed on to be paid by the United States in order to compensate the owners of private property, if any, for loss by expropriation or damage, the amount of such compensation to be determined in accordance with the procedure adopted for assessing compensation to such owners for loss by expropriation or damage arising out of the establishment of the bases: provided that the Government of Trinidad shall be entitled to take and use so much of the waters of and in the said watershed as the United States may from time to time determine to be in excess of the actual requirements of the United States; and that any dams or other works established by the United States shall be so constructed as to be capable of extension in order to enable the said surplus waters to be made available to the Government of Trinidad.

(3) The United States shall have the right to establish nec-

essary defences in the entrance waters of the Gulf of Paria on certain islands of the Dragon's Mouth and on the mainland at the Serpent's Mouth, the terms and conditions of the leases for the areas required for these installations to be those set out in this agreement. If the Government of the United Kingdom shall determine to install additional defences on the outer promontories of the leased areas the United States agrees to surrender areas of such extent and on such terms as may be mutually agreed.

(4) Whenever required and after notification to the Governor of Trinidad, the United States shall have control over an anchorage, to be known as the United States Fleet Anchorage, comprising the whole or any part of an area in the Gulf of Paria lying north of the line (extended) of the present dredged channel to Port of Spain and west of the longitude of Cumana Point, of about 12 square miles in depths of more than 5 fathoms with additional anchorage in less depths. When not required by the United States, the control of the whole or any part of the area shall revert to the Government of Trinidad on due notification until such time as the Government of Trinidad is notified that control is again required. The notifications mentioned above shall contain a description of the area required or not required as the case may be. The control to be exercised by the United States is such control as is necessary for the establishment, use, operation and defence of the anchorage. The provisions of the agreement applicable to leased areas, shall during the period of United States control, apply to the anchorage to the full extent necessary or appropriate for the establishment, use, operation, defence and control thereof.

(5) From such areas and under such terms and conditions as may be mutually agreed by the Government of the United States and the Government of Trinidad, the Government of Trinidad shall be permitted within the leased areas to win stone, gravel and sand for public works; provided that such permission shall not be exercised so as to interfere with the construction, maintenance, operation or defence of the bases and shall be subject to such restrictions as may be demanded by military necessity.

(6) (a) The Government of the United Kingdom shall secure the grant to the United States of a lease for a period of twelve months of 1,200 feet of existing wharfage and two of the existing transit sheds on the waterfront at Port of Spain, provided that when the said wharfage and sheds are not being used by the United States they shall be placed at the disposal of the Government of the United Kingdom and the Government of Trinidad upon request by the latter. Pending the execution of such lease, the United States shall have the use of the said wharfage and sheds under the conditions aforesaid.

(b) The United States may during the period of the above lease extend the existing wharfage at Port of Spain westward for a distance not exceeding 3,000 feet, and shall be granted a lease of such extension for the unexpired period of the lease of the leased areas; provided that if the Government of Trinidad shall construct for transfer to the United States alternative wharfage outside of Port of Spain which shall be satisfactory in all respects to the United States, then the United States will surrender in exchange to the Government of Trinidad, on terms to be mutually agreed, its rights under the lease of the said wharfage in Port of Spain.

(7) The United States will afford access to the Macqueripe Bay area to the Government of Trinidad and members of the public by way of the existing road or by such other road as may be constructed, subject only to such restrictions as are demanded by military necessity and proper police control.

(8) If the eastern main road to Saline Bay is completed by the United States, the United States will, subject only to such restrictions as are demanded by military necessity, afford the Government of Trinidad and members of the public free use thereof. The United States will afford like use of any road that may be constructed by the United States from Port of Spain to the Cumuto area.

(F) SPECIAL PROVISION APPERTAINING TO BRITISH GUIANA

(1) In its use of the Demerara and Essequibo Rivers, the United States shall not obstruct the navigation thereof.

(2) From such areas and under such terms as may be mutually agreed by the Government of the United States

and the Government of British Guiana, the Government of British Guiana shall be permitted within the leased areas to win stone for public works; provided that such permission shall not be exercised so as to interfere with the construction, maintenance, operation, or defence of the bases and shall be subject to such restrictions as may be demanded by military necessity.

Note from the American Ambassador at London (Winant) to the British Secretary of State for Foreign Affairs (Eden)

MARCH 27, 1941.

I have the honour to inform Your Excellency that my Government has agreed to the following understanding in respect of Article XVI of the Agreement signed this day between our respective Governments concerning the lease of bases:

(1) Mails passing between United States Post Offices shall not be subject to censorship except by the United States.

(2) In connection with the establishment of any United States Post Offices in a leased area, the United States will arrange administratively, for such time as Great Britain may be at war, for the examination of all nonofficial incoming or outgoing mail destined for or originating in a leased area.

(3) The use of these post offices will be strictly limited to persons entitled under Article XVI to use them and any mail deposited in such a post office which may be found by the United States examiners to be from a person not entitled to use it will, if required, be made available to the authorities of the territory for examination.

(4) Should the United States be at war and Great Britain be neutral, the British Government will insure that a similar procedure is adopted, with respect to incoming or outgoing mail destined for or originating in the territory in which a leased area is located, to safeguard the interests of the United States in the leased area.

(5) The United States and British authorities will collaborate to prevent their respective mails, in the leased areas

or in the territories in which they are located, being used prejudicially to the security of the other.

(6) There will be no examination of official mail of either Government by the other under any conditions.

If Your Excellency's Government agrees to this understanding I would suggest that the present note and your reply to that effect be regarded as placing it on record.

*Note from the British Secretary of State for Foreign Affairs
(Eden) to the American Ambassador at London
(Winant)*

LONDON, March 27, 1941.

I have the honour to acknowledge the receipt of Your Excellency's note of today's date concerning censorship, the terms of which are as follows:

[Here follows text of note printed above.]

2. In reply, I have the honour to inform Your Excellency that the Government of the United Kingdom of Great Britain and Northern Ireland agree to this understanding, and, in accordance with Your Excellency's suggestion, Your Excellency's note and this reply will be regarded as placing on record the understanding between the two governments in this matter.

*Note from the British Secretary of State for Foreign Affairs
(Eden) to the American Ambassador at London (Winant)*

LONDON, March 27, 1941.

I have the honour to inform Your Excellency that in signing this day the agreement concerning the lease of naval and air bases, it is the intention of the Government of the United States Kingdom of Great Britain and Northern Ireland that upon the resumption by Newfoundland of the constitutional status held by it prior to February 16, 1934, the words "The Government of the United Kingdom" wherever they occur in relation to a provision applicable to Newfoundland in the said agreement shall be taken to mean, so far as Newfoundland is concerned, the Government of

Newfoundland, and the agreement shall then be construed accordingly.

If the Government of the United States agree to this interpretation I would suggest that the present note and Your Excellency's reply to that effect be regarded as placing on record the understanding of the two contracting Governments in this matter.

Note from the American Ambassador at London (Winant) to the British Secretary of State for Foreign Affairs (Eden)

LONDON, March 27, 1941.

I have the honor to acknowledge receipt of your note of today's date the terms of which are as follows:

[Here follows text of note printed above.]

2. In reply I have the honor to inform Your Excellency that the Government of the United States accepts the interpretation of the agreement concerning the lease of naval and air bases signed this day as set forth in your note and in accordance with the suggestion contained therein, your note and this reply will be regarded as placing on record the understanding between the two contracting Governments in this matter.

PROTOCOL

The text of the protocol signed at London March 27, 1941 by plenipotentiaries of the Governments of Canada, the United Kingdom of Great Britain and Northern Ireland, and the United States of America is as follows:

LONDON, March 27, 1941.

The undersigned Plenipotentiaries of the Governments of Canada, the United Kingdom of Great Britain and Northern Ireland and the United States of America having been authorized by their respective Governments to clarify certain matters concerning the defense of Newfoundland arising out of the Agreement signed this day concerning the bases leased to the United States, have drawn up and signed the following protocol.

It is recognized that the defense of Newfoundland is an integral feature of the Canadian scheme of defense and as

such is a matter of special concern to the Canadian Government, which has already assumed certain responsibilities for this defense.

It is agreed, therefore, that in all powers which may be exercised and in such actions as may be taken under the Agreement for the use and operation of the United States Bases, dated March 27, 1941 in respect of Newfoundland, Canadian interests in regard to defense will be fully respected.

Nothing in this Agreement shall affect the arrangements relative to the defense of Newfoundland already made by the Governments of the United States and Canada in pursuance of recommendations submitted to those Governments by the Permanent Joint Board on Defense—United States and Canada.

It is further agreed that in all consultations concerning Newfoundland arising out of Articles I (4), II, and XI (5) of the Agreement, or of any other Articles involving considerations of defense the Canadian Government as well as the Government of Newfoundland will have the right to participate.

On behalf of the United States of America :

JOHN G. WINANT,
Ambassador of the United States of America.
CHARLES FAHY.
HARRY J. MALONY.
HAROLD BIESEMEIER.

On behalf of Canada :

VINCENT MASSEY,
Canadian High Commissioner at London.
L. W. MURRAY.
L. B. PEARSON.

On behalf of the Government of the United Kingdom of Great Britain and Northern Ireland :

WINSTON CHURCHILL,
Prime Minister.
LORD CRANBORNE,
Secretary of State for Dominions.
LORD MOYNE,
Secretary of State for Colonies.

XXXIV. German and Italian Ships in United States Ports

(Dept. of State Bulletin, Vol. IV, No. 93, April 5, 1941)

The following note has been sent by the Secretary of State to the Chargé d’Affaires ad interim of Germany, Herr Hans Thomsen :

“APRIL 3, 1941.

“SIR :

“I am in receipt of your two notes dated March 31 and April 1, 1941, respectively, regarding the taking of possession and control of the German tanker *Pauline Freidrich* in the port of Boston and the motorship *Arauca* at Port Everglades and the removal therefrom of the officers and crews.

“I note your allegation that there is no legal basis in international law for the action taken and that it constitutes a violation of the existing Treaty of Friendship, Commerce and Consular Rights, signed by our two Governments on December 8, 1923. You even go so far as to request that these vessels be restored to the ‘unlimited authority of the captains’ and that the members of the crews be placed at ‘liberty immediately’ and allowed ‘to return to and stay on board their ships’, etc.

“I am surprised at these extreme assertions and demands. In the first place, you do not state upon what principle of international law or upon what provision of the treaty between our two countries you rely, and in the second place, you seem wholly to disregard the plain provisions of our statutes which make it a felony for the master or any other person in charge or command of a vessel, foreign or domestic, or for any member of the crew or other person, within the territorial waters of the United States, wilfully to cause or permit the destruction or injury of such a vessel or to tamper with its motive power or instrumentalities of navigation; and which authorize the authorities of this Gov-

ernment to take possession and control of any vessel and to remove therefrom the officers and crew when such action is deemed to be necessary to protect the vessel from damage or injury or to prevent damage or injury to any harbor or waters of the United States.

"I know of no principle of international law which permits the masters or crews of vessels of a country which have sought refuge in or entered the ports of another country, to commit acts of destruction in disregard of local law and of the hospitality which they have been permitted to enjoy; nor is there any provision in the treaty between our two countries which lends even color of support to any such argument. It would indeed be unthinkable that any civilized nation would become a party to a treaty containing any such provision or that it would subscribe to any so-called principle of international law which would permit foreign vessels to be brought to its harbors and roadsteads and there wilfully damaged and wrecked in violation of law and to the detriment of navigation and even the safety of its harbors without restraint or hindrance by the local sovereign.

"On one of the vessels here in question the auxiliary machinery was smashed and the main propelling machinery was deliberately wrecked; and if the scuttling and burning of ships in other harbors of this continent may be regarded as indicative of what might be expected in our ports, it is difficult to see how your Government could expect this Government to be oblivious to the situation presented.

"An inquiry is being made concerning other features of your complaint and I shall communicate with you regarding them at a later date.

"Accept (etc.)

CORDELL HULL"

XXXV. Agreement Relating to the Defense of Greenland

(Dept. of State Bulletin, Vol. IV, No. 94, April 12, 1941)

Statement by the President

Yesterday we signed an agreement with the Danish Minister in Washington, who acts on behalf of the King of Denmark as sovereign of Greenland, including Greenland in our system of cooperative hemispheric defense.

This agreement was signed on the anniversary of the day on which German troops invaded Denmark.

Last May the Greenland Councils requested the United States to keep in mind the exposed position of the Danish flag in Greenland. I at once offered to make available relief, if necessary; and to assure a continued flow of necessary supplies for the island. The present step is a new proof of our continuing friendliness to Denmark. Under the present circumstances the Government in Denmark cannot, of course, act in respect of its territory in the Western Hemisphere, but we propose to make sure that when the German invasion of Denmark has ended, Greenland will remain a Danish colony. Meanwhile, we earnestly hope for the quick liberation of Denmark from her present invaders.

Announcement by the Department of State

The Department of State announced April 10 the signing on April 9, 1941 of an agreement be-

tween the Secretary of State, acting on behalf of the Government of the United States of America, and the Danish Minister, Henrik de Kauffmann, acting on behalf of His Majesty the King of Denmark in his capacity as sovereign of Greenland.

The agreement recognizes that as a result of the present European war there is danger that Greenland may be converted into a point of aggression against nations of the American Continent, and accepts the responsibility on behalf of the United States of assisting Greenland in the maintenance of its present status.

The agreement, after explicitly recognizing the Danish sovereignty over Greenland, proceeds to grant to the United States the right to locate and construct airplane landing fields and facilities for the defense of Greenland and for the defense of the American Continent.

The circumstances leading up to the agreement are as follows.

On April 9, 1940 the German Army invaded and occupied Denmark, and that occupation continues. In condemning this invasion President Roosevelt said:

“Force and military aggression are once more on the march against small nations, in this instance through the invasion of Denmark and Norway. These two nations have won and maintained during a period of many generations the respect and regard not only of the American people, but of all peoples, because of their observance of the highest standards of national and international conduct.

“The Government of the United States has on the occasion of recent invasions strongly expressed its disapprobation of such unlawful exercise of force. It here reiterates, with undiminished emphasis, its point of view as expressed

on those occasions. If civilization is to survive, the rights of the smaller nations to independence, to their territorial integrity, and to the unimpeded opportunity for self-government must be respected by their more powerful neighbors."

This invasion at once raised questions as to the status of Greenland, which has been recognized as being within the area of the Monroe Doctrine. The Government of the United States announces its policy of maintenance of the *status quo* in the Western Hemisphere.

On May 3, 1940 the Greenland Councils, meeting at Godhavn, adopted a resolution in the name of the people of Greenland reaffirming their allegiance to King Christian X of Denmark, and expressed the hope that so long as Greenland remained cut off from the mother country, the Government of the United States would continue to keep in mind the exposed position of the Danish flag in Greenland and of the native and Danish population of Greenland. The Government of the United States expressed its willingness to assure that the needs of the population of Greenland would be taken care of.

On July 25, 1940, the consultation of American Foreign Ministers at Habana declared that any attempt on the part of a non-American state against the integrity or inviolability of the territory, the sovereignty, or the political independence of an American state should be considered an act of aggression, and that they would cooperate in defense against any such aggression. In a further declaration, known as the Act of Habana, it declared that the status of regions in this continent belonging to European powers was a subject of deep concern to all of the governments of the American republics.

During the summer of 1940 German activity on the eastern coast of Greenland became apparent. Three ships proceeding from Norwegian territory under German occupation arrived off the coast of Greenland, ostensibly for commercial or scientific purposes; and at least one of these ships landed parties nominally for scientific purposes, but actually for meteorological assistance to German belligerent operations in the north Atlantic. These parties were eventually cleared out. In the late fall of 1940, air reconnaissance appeared over East Greenland under circumstances making it plain that there had been continued activity in that region.

On March 27, 1941, a German bomber flew over the eastern coast of Greenland and on the following day another German war plane likewise reconnoitered the same territory. Under these circumstances it appeared that further steps for the defense of Greenland were necessary to bring Greenland within the system of hemispheric defense envisaged by the Act of Habana.

The Government of the United States has no thought in mind save that of assuring the safety of Greenland and the rest of the American Continent, and Greenland's continuance under Danish sovereignty. The agreement recognizes explicitly the full Danish sovereignty over Greenland. At the same time it is recognized that so long as Denmark remains under German occupation the Government in Denmark cannot exercise the Danish sovereign powers over Greenland under the Monroe Doctrine, and the agreement therefore was signed between the Secretary of State and the

Danish Minister in Washington, acting as representative of the King of Denmark in his capacity as sovereign of Greenland, and with the concurrence of the Governors of Greenland.

The step is taken in furtherance of the traditional friendliness between Denmark and the United States. The policy of the United States is that of defending for Denmark her sovereignty over Greenland, so that she may have a full exercise of it as soon as the invasion is ended. The agreement accordingly provides that as soon as the war is over and the danger has passed, the two Governments shall promptly consult as to whether the arrangements made by the present agreement shall continue or whether they shall then cease.

Text of the Agreement

Whereas:

ONE. After the invasion and occupation of Denmark on April 9, 1940 by foreign military forces, the United Greenland Councils at their meeting at Godhavn on May 3, 1940 adopted in the name of the people of Greenland a resolution reiterating their oath of allegiance to King Christian X of Denmark and expressing the hope that, for as long as Greenland remains cut off from the mother country, the Government of the United States of America will continue to hold in mind the exposed position of the Danish flag in Greenland, of the native Greenland and Danish population, and of established public order; and

Two. The Governments of all of the American Republics have agreed that the status of regions in the Western Hemisphere belonging to European powers is a subject of deep concern to the Ameri-

can Nations, and that the course of military events in Europe and the changes resulting from them may create the grave danger that European territorial possessions in America may be converted into strategic centers of aggression against nations of the American Continent; and

THREE. Defense of Greenland against attack by a non-American power is essential to the preservation of the peace and security of the American Continent and is a subject of vital concern to the United States of America and also to the Kingdom of Denmark; and

FOUR. Although the sovereignty of Denmark over Greenland is fully recognized, the present circumstances for the time being prevent the Government in Denmark from exercising its powers in respect of Greenland.

Therefore,

The undersigned, to wit: CORDELL HULL, Secretary of State of the United States of America, acting on behalf of the Government of the United States of America, and HENRIK DE KAUFFMANN, Envoy Extraordinary and Minister Plenipotentiary of His Majesty the King of Denmark at Washington, acting on behalf of His Majesty the King of Denmark in His capacity as sovereign of Greenland, whose authorities in Greenland have concurred herein, have agreed as follows:

ARTICLE I

The Government of the United States of America reiterates its recognition of and respect for the sovereignty of the Kingdom of Denmark over Greenland. Recognizing that as a result of the present European war there is danger that Greenland may be converted into a point of

aggression against nations of the American Continent, the Government of the United States of America, having in mind its obligations under the Act of Habana signed on July 30, 1940, accepts the responsibility of assisting Greenland in the maintenance of its present status.

ARTICLE II

It is agreed that the Government of the United States of America shall have the right to construct, maintain and operate such landing fields, seaplane facilities and radio and meteorological installations as may be necessary for the accomplishment of the purposes set forth in Article I.

ARTICLE III

The grants of the rights specified in Article II shall also include the right to improve and deepen harbors and anchorages and the approaches thereto, to install aids to navigation by air and by water, and to construct roads, communication services, fortifications, repair and storage facilities, and housing for personnel, and generally, the right to do any and all things necessary to insure the efficient operation, maintenance and protection of such defense facilities as may be established.

ARTICLE IV

The landing fields, seaplane, harbor and other defense facilities that may be constructed and operated by the Government of the United States of America under Articles II and III will be made available to the airplanes and vessels of all the American Nations for purposes connected with the common defense of the Western Hemisphere.

ARTICLE V

It is agreed that the Government of the United States of America shall have the right to lease for such period of time as this Agreement may be in force such areas of land and water as may be necessary for the construction, operation and protection of the defense facilities specified in article II and III. In locating the aforesaid defense areas,

the fullest consideration consistent with military necessity shall be given to the welfare, health and economic needs of the native population of Greenland. It is agreed, however, that since the paramount objective sought is the early attainment of an adequate defense establishment in Greenland, the utilization of any area deemed by the Government of the United States of America to be needed for this purpose shall not be delayed pending the reaching of an agreement upon the precise terms of a formal lease. A description of such areas, by metes and bounds, and a statement of the purpose for which they are needed shall in each case be communicated to the Danish authorities in Greenland as soon as practicable, and the negotiation of a formal lease shall be undertaken within a reasonable period of time thereafter.

ARTICLE VI

The Kingdom of Denmark retains sovereignty over the defense areas mentioned in the preceding articles. So long as this Agreement shall remain in force, the Government of the United States of America shall have exclusive jurisdiction over any such defense area in Greenland and over military and civilian personnel of the United States, and their families, as well as over all other persons within such areas except Danish citizens and native Greenlanders, it being understood, however, that the Government of the United States may turn over to the Danish authorities in Greenland for trial and punishment any person committing an offense within a defense area, if the Government of the United States shall decide not to exercise jurisdiction in such case. The Danish authorities in Greenland will take adequate measures to insure the prosecution and punishment in case of conviction of all Danish citizens, native Greenlanders, and other persons who may be turned over to them by the authorities of the United States, for offenses committed within the said defense areas.

ARTICLE VII

It is agreed that the Government of the United States of America shall have the right to establish and maintain postal

facilities and commissary stores to be used solely by military and civilian personnel of the United States, and their families, maintained in Greenland in connection with the Greenland defense establishment. If requested by the Danish authorities in Greenland, arrangements will be made to enable persons other than those mentioned to purchase necessary supplies at such commissary stores as may be established.

ARTICLE VIII

All materials, supplies and equipment for the construction, use and operation of the defense establishment and for the personal needs of military and civilian personnel of the United States, and their families, shall be permitted entry into Greenland free of customs duties, excise taxes, or other charges, and the said personnel, and their families, shall also be exempt from all forms of taxation, assessments or other levies by the Danish authorities in Greenland.

ARTICLE IX

The Government of the United States of America will respect all legitimate interests in Greenland as well as all the laws, regulations and customs pertaining to the native population and the internal administration of Greenland. In exercising the rights derived from this Agreement the Government of the United States will give sympathetic consideration to all representations made by the Danish authorities in Greenland with respect to the welfare of the inhabitants of Greenland.

ARTICLE X

This Agreement shall remain in force until it is agreed that the present dangers to the peace and security of the American Continent have passed. At that time the modification or termination of the Agreement will be the subject of consultation between the Government of the United States of America and the Government of Denmark. After due consultation has taken place, each party shall have the right

to give the other party notice of its intention to terminate the Agreement, and it is hereby agreed, that at the expiration of twelve months after such notice shall have been received by either party from the other this Agreement shall cease to be in force.

Signed at Washington in duplicate, in the English and Danish languages, both texts having equal force, this 9th day of April, nineteen hundred and forty-one.

[SEAL]

CORDELL HULL,
*Secretary of State of the
United States of America.*

[SEAL]

HENRIK KAUFFMANN,
*Envoy Extraordinary and
Minister Plenipotentiary
of His Majesty the King
of Denmark at Washington.*

EXCHANGE OF NOTES BETWEEN THE SECRETARY OF STATE
AND THE MINISTER OF DENMARK

The Secretary of State to the Minister of Denmark

DEPARTMENT OF STATE,
Washington, April 7, 1941.

SIR:

I have the honor to refer to the informal conversations which you have had with officers of the Department of State during which the concern of the Government of the United States was expressed over the effect of recent military developments, particularly affecting Greenland, upon the maintenance of the peace and security of the United States and the rest of the American Continent.

You are also aware of the interest of the Government of the United States in maintaining unimpaired the safety of Greenland and the sovereignty of Denmark over that island. My Government has continuously had in mind the desire expressed by the United Greenland Councils at their meet-

ing at Godhavn on May 3, 1940 that the Government of the United States of America would continue to hold in mind the exposed position of the Danish flag in Greenland and of the native Greenland and Danish population of the island.

My Government has taken note of the unusual situation in which Greenland now finds itself. The Kingdom of Denmark is at present under occupation by a foreign army. The Government of the United States has condemned that invasion as a violation of Danish sovereign rights, and has repeatedly expressed its friendly concern and its most earnest hope for the complete and speedy liberation of Denmark. Although the Government of the United States fully recognizes the sovereignty of the Kingdom of Denmark over Greenland, it is unhappily clear that the Government in Denmark is not in a position to exercise sovereign power over Greenland so long as the present military occupation continues.

Greenland is within the area embraced by the Monroe Doctrine and by the Act of Havana, with which you are familiar, and its defense against attack by a non-American power is plainly essential to the preservation of the peace and security of the American continent, and of the traditional policies of this Government respecting the Western Hemisphere.

My Government has consequently proposed measures for the adequate defense of Greenland consistent with the obligations of the United States under the Act of Havana signed on July 30, 1940. In doing so it is animated by sentiments of the completest friendliness for Denmark, and believes that by taking these steps it is safeguarding the eventual re-establishment of the normal relationship between Greenland and the Kingdom of Denmark.

I have the honor to enclose a draft of the proposed agreement relating to the defense of Greenland, which I believe embodies the ideas agreed upon in the course of our various conversations.

Accept [etc.]

CORDELL HULL

The Minister of Denmark to the Secretary of State

ROYAL DANISH LEGATION,
Washington, D. C., April 9, 1941.

SIR:

I have received your note of the seventh instant concerning the defense of Greenland together with a draft of a proposed agreement regarding the same subject.

It is with appreciation that I note your renewed assurance that, although the present circumstances prevent the Government in Denmark for the time being from exercising its powers in respect of Greenland, your Government fully recognizes the Sovereignty of the Kingdom of Denmark over the island. At the same time I wish to convey to you my feelings of gratitude for the expression of friendly concern of your Government and its earnest hope for the complete and speedy liberation of Denmark.

I share your view that the proposed agreement, arrived at after an open and friendly exchange of views, is, under the singularly unusual circumstances, the best measure to assure both Greenland's present safety and the future of the island under Danish Sovereignty.

Furthermore, I am of the opinion that the terms of the agreement protect, as far as possible, the interests of the native population of Greenland whose welfare traditionally has been the paramount aim of Denmark's policy in Greenland.

I, therefore, shall accept and sign the agreement as proposed, acting on behalf of His Majesty, the King of Denmark, in His capacity of Sovereign over Greenland, whose authorities in Greenland have concurred herein.

I avail [etc.]

HENRIK KAUFMANN

XXXVI. Proclamation Concerning the Neutrality of the United States in the War Between Germany and Italy, and Yugoslavia

(Dept. of State Bulletin, Vol. IV, No. 94, April 12, 1941)

WHEREAS section 1 of the joint resolution of Congress approved November 4, 1939, provides in part as follows:

“That whenever the President, or the Congress by concurrent resolution, shall find that there exists a state of war between foreign states, and that it is necessary to promote the security or preserve the peace of the United States or to protect the lives of citizens of the United States, the President shall issue a proclamation naming the states involved; and he shall, from time to time, by proclamation, name other states as and when they may become involved in the war.”

AND WHEREAS it is further provided by section 13 of the said joint resolution that

“The President may, from time to time, promulgate such rules and regulations, not inconsistent with law as may be necessary and proper to carry out any of the provisions of this joint resolution; and he may exercise any power or authority conferred on him by this joint resolution through such officer or officers, or agency or agencies, as he shall direct.”

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, acting under and by virtue of the authority conferred on me by the said joint resolution, do hereby proclaim that, Germany and Italy having wantonly attacked Yugoslavia, a state of war exists between Germany and Italy, on the one hand, and Yugoslavia, on the other hand, and that it is necessary to promote the

security and preserve the peace of the United States and to protect the lives of citizens of the United States.

And I do hereby enjoin upon all officers of the United States, charged with the execution of the laws thereof, the utmost diligence in preventing violations of the said joint resolution and in bringing to trial and punishment any offenders against the same.

And I do hereby delegate to the Secretary of State the power to exercise any power or authority conferred on me by the said joint resolution, as made effective by this my proclamation issued thereunder, which is not specifically delegated by Executive order to some other officer or agency of this Government, and the power to promulgate such rules and regulations not inconsistent with law as may be necessary and proper to carry out any of its provisions.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States of America to be affixed.

DONE at the City of Washington this 10th day of April, in the year of our Lord nineteen hundred and forty-one, and of the Independence
[SEAL] of the United States of America the one hundred and sixty-fifth.

FRANKLIN D. ROOSEVELT

By the President:

CORDELL HULL,

Secretary of State.

XXXVII. Modification of a Combat Area

(Dept. of State Bulletin, Vol. IV, No. 94, April 12, 1941)

WHEREAS section 3 of the joint resolution of Congress approved November 4, 1939, provides as follows:

“(a) Whenever the President shall have issued a proclamation under the authority of section 1 (a), and he shall thereafter find that the protection of citizens of the United States so requires, he shall, by proclamation, define combat areas, and thereafter it shall be unlawful, except under such rules and regulations as may be prescribed, for any citizen of the United States or any American vessel to proceed into or through any such combat area. The combat area so defined may be made to apply to surface vessels or aircraft, or both.

“(b) In case of the violation of any of the provisions of this section by any American vessel, or any owner or officer thereof, such vessel, owner, or officer shall be fined not more than \$50,000 or imprisoned for not more than five years, or both. Should the owner of such vessel be a corporation, organization, or association, each officer or director participating in the violation shall be liable to the penalty hereinabove prescribed. In case of the violation of this section by any citizen traveling as a passenger, such passenger may be fined not more than \$10,000 or imprisoned for not more than two years, or both.

“(c) The President may from time to time modify or extend any proclamation issued under the authority of this section, and when the conditions which shall have caused him to issue any such proclamation shall have ceased to exist he shall revoke such proclamation and the provisions of this section shall thereupon cease to apply, except as to offenses committed prior to such revocation.”

AND WHEREAS on June 11, 1940, I issued a proclamation in accordance with the provision of law quoted above defining a combat area.

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, acting under and by virtue of the authority conferred on me by section 3 (c) of the joint resolution of Congress approved November 4, 1939, do hereby modify my proclamation of June 11, 1940, defining combat areas into which it shall be unlawful, except under such rules and regulations as shall be prescribed, for any citizen of the United States or any American vessel, whether a surface vessel or an aircraft, to proceed, by eliminating from the scope of that proclamation the combat area defined in the second numbered section thereof as:

“Beginning at the intersection of the North Coast of Italian Somaliland with the meridian of 50° longitude east of Greenwich;

“Thence due north to the mainland of Arabia;

“Thence eastward along the coast of Arabia to the meridian of 51° east longitude;

“Thence due south to the mainland of Italian Somaliland;

“Thence westward along the coast of Italian Somaliland to the point of beginning.”

And I do hereby proclaim that it shall no longer be unlawful for any citizen of the United States or any American vessel, whether a surface vessel or an aircraft, to proceed into or through the area defined above.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States of America to be affixed.

DONE at the City of Washington this 10th day of
April, in the year of our Lord nineteen
[SEAL] hundred and forty-one, and of the In-
dependence of the United States of
America the one hundred and sixty-fifth.

FRANKLIN D. ROOSEVELT

By the President:

CORDELL HULL,
Secretary of State.

XXXVIII. Continued Recognition by the United States of the Minister of Denmark

(Dept. of State Bulletin, Vol. IV, No. 95, April 19, 1941)

The Danish Minister, Mr. Henrik de Kauffmann, on April 14 informed the Secretary of State that he had received a telegram from the Foreign Office in Copenhagen recalling him as Envoy Extraordinary and Minister Plenipotentiary of the Kingdom of Denmark accredited to the Government of the United States, and that his action and authority in signing as the official representative of his Government the agreement relating to Greenland² had been disclaimed by the purported official authorities in Copenhagen.

On August 26, 1939, the President received Mr. de Kauffman's letters of credence as Danish Minister to the United States,³ and he has since been recognized in that capacity as the official representative of the Kingdom of Denmark.

On April 9, 1940, Denmark was invaded by the German Army. Since that date an army of occupation, understood to total 200,000 German troops, has remained in subjugation of that country, and no act of the Danish Government since that time has been taken or can be taken save with the consent of the occupying power or as a result of its dictation.

In view of the foregoing, the Government of the United States has consistently held since April 9,

1940, and now holds, that the Government of Denmark can only be regarded as a government which is patently acting under duress and which is in no sense a free agent.

The agreement recently entered into by the Secretary of State and by the Danish Minister was entered into by this Government, as made clear at that time, because of the desire of the United States in this time of world emergency to insure the security and integrity of Greenland as a part of the Western Hemisphere, and at the same time to assist the local authorities of Greenland in preserving intact the territory of that Danish colony so that once the present world emergency has passed, the Government of Denmark might once more be enabled to exercise fully its sovereign powers over that territory.

The Government of the United States feels confident that the Danish Government and people will unquestionably recognize that the measures undertaken by this Government have been taken in their interest and with full recognition of the sovereignty of Denmark over Greenland, as well as with the hope and belief that the time is not far distant when that sovereignty can once more be freely exercised by a free and independent Danish Government.

The Danish Minister has informed the Secretary of State that he regards the orders of recall issued to him by the authorities in Copenhagen as issued under duress and that he consequently believes it his duty to disregard such orders.

The Secretary of State by direction of the President has informed the Danish Minister that because of the reasons above set forth, this Government will

continue to recognize him as the duly authorized Minister of Denmark in Washington.

The texts of the exchange of notes between the Secretary of State and the Danish Minister follow:

The Minister of Denmark to the Secretary of State

APRIL 13, 1941.

SIR:

Point four in the preamble to the agreement relating to the defense of Greenland signed by you and by me on the ninth instant reads:

"Although the sovereignty of Denmark over Greenland is fully recognized, the present circumstances for the time being prevent the Government in Denmark from exercising its powers in respect of Greenland * * *"

With this situation in mind and in accordance with our understanding I informed the Government in Denmark of the agreement only when it was made public at noon on April 10th.

I did this in a telegraphic message to the Foreign Office in Copenhagen that was delivered after some delay on April 11th.

I indicated that I had signed the agreement

"* * * acting on behalf of His Majesty the King of Denmark in His capacity as sovereign of Greenland, whose authorities in Greenland have concurred herein, * * *" and I explained the reasons for my action, adding

"Under the circumstances, there was, to me, no doubt but that I must, in the interests of Denmark and Greenland, take this unusual step. The Government in Denmark will not, as long as Denmark is occupied, be able to obtain full information as to the background and necessity for this action. I, therefore, request that judgment of my decision be withheld until Denmark again is free, and the Danish Government and public can come to know the situation that made the step necessary. I earnestly beg His Majesty the King and the Danish Government to be assured that I have acted in the way which I felt to be right, after careful considera-

tion and according to my best belief and the dictates of my conscience, fulfilling my allegiance to His Majesty the King."

I thereupon received from the Foreign Office in Copenhagen at 4:30 P. M. Saturday, April 12, 1941, a telegram, the English translation of which reads as follows:

"The Government strongly disapproves the fact that you, without authorization from here, and contrary to the constitution, have concluded an agreement with the Government of the United States regarding the defense of Greenland. You are, therefore, by Royal Decree of April 12, 1941 recalled from your post as Denmark's Minister to Washington. The Legation will temporarily be in charge of Mr. Blech-berg, Counselor of Legation, as Chargé d'Affaires. You are requested immediately to notify the President of the above, and to add that letters of recall will be forwarded later. You are requested to return at once to Copenhagen. Acknowledge receipt by telegram."

From press reports I have furthermore learned that the Government in Denmark yesterday also declared the agreement of April 9, 1941 relating to the defense of Greenland to be considered as void, but this Legation has hitherto received no official communication from Copenhagen to that effect.

On April 10, 1940, the day after the occupation of Denmark by German military forces, I issued a public statement declaring, that I would work for one thing, the reestablishment of a free and independent Denmark. Since that time as before my conduct has been dictated solely by what I have believed to be to the true interest of my King and my country. My work would have been impossible without the sympathetic understanding and cooperative attitude of the American Government for which I am deeply grateful.

My conduct in the situation that has arisen now will be dictated by the same convictions. I believe the action taken in Copenhagen with regard to my recall and in respect to the agreement of the 9th instant to have been taken under duress. Consequently I consider it to be invalid both from the point of view of Danish and of generally recognized common law.

I believe it to be my duty towards my King and my country to carry on the work that was entrusted to me when I was appointed Danish Minister to Washington by a free Danish Government and to let myself be guided by the same principles as hitherto. This attitude of mine has the full support of all the other members of the Danish Foreign service stationed in the United States.

I have the honor, Mr. Secretary, to ask you please to bring this to the knowledge of the President.

The earnest hope for a speedy liberation of Denmark, expressed by President Roosevelt when the agreement relating to the defense of Greenland was made public three days ago will have brought encouragement to all Danes. I beg leave to ask you, Sir, to convey to the President the gratitude of my countrymen.

I avail [etc.]

HENRIK KAUFFMANN

The Secretary of State to the Minister of Denmark

APRIL 14, 1941.

SIR:

Acknowledgment is made of your note of April 13, 1941, advising that the Government in Denmark purports to have recalled you from your post as Minister of Denmark. Cognizance has likewise been taken of your statement that you consider this action to have been taken under duress and to be invalid both from the point of view of Danish and of generally recognized common law, in view of the existing occupation of Denmark by German military forces.

My Government considers it to be the fact that the Government in Denmark in this respect is acting under duress, and in consequence I have the honor to advise that it continues to recognize you as the duly authorized Minister of Denmark in Washington. It renews its hope for the speedy liberation of Denmark.

Accept [etc.]

CORDELL HULL

XXXIX. Proclamation Concerning the Neutrality of the United States in the War Between Hungary and Yugoslavia

(Dept. of State Bulletin, Vol. IV, No. 95, April 19, 1941)

WHEREAS section 1 of the joint resolution of Congress approved November 4, 1939, provides in part as follows :

“That whenever the President, or the Congress by concurrent resolution, shall find that there exists a state of war between foreign states, and that it is necessary to promote the security or preserve the peace of the United States or to protect the lives of citizens of the United States, the President shall issue a proclamation naming the states involved; and he shall, from time to time, by proclamation, name other states as and when they may become involved in the war.”

AND WHEREAS it is further provided by section 13 of the said joint resolution that

“The President may, from time to time, promulgate such rules and regulations, not inconsistent with law, as may be necessary and proper to carry out any of the provisions of this joint resolution; and he may exercise any power or authority conferred on him by this joint resolution through such officer or officers, or agency or agencies, as he shall direct.”

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, acting under and by virtue of the authority conferred on me by the said joint resolution, do hereby proclaim that, Hungary having without justification attacked Yugoslavia, a state of war exists between Hungary and Yugoslavia and that it is necessary to promote the security and preserve the peace of the United

States and to protect the lives of citizens of the United States.

And I do hereby enjoin upon all officers of the United States, charged with the execution of the laws thereof, the utmost diligence in preventing violations of the said joint resolution and in bringing to trial and punishment any offenders against the same.

And I do hereby delegate to the Secretary of State the power to exercise any power or authority conferred on me by the said joint resolution, as made effective by this my proclamation issued thereunder, which is not specifically delegated by Executive order to some other officer or agency of this Government, and the power to promulgate such rules and regulations not inconsistent with law as may be necessary and proper to carry out any of its provisions.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this 15th day of April, in the year of our Lord nineteen
[SEAL] hundred and forty-one, and of the Independence of the United States of America the one hundred and sixty-fifth.

FRANKLIN D. ROOSEVELT

By the President:

CORDELL HULL,

Secretary of State.

XL. Exchange of Defense Articles With Canada

(Dept. of State Bulletin, Vol. IV, No. 96, April 26, 1941)

At the conclusion of a conference between President Roosevelt and Prime Minister Mackenzie King of Canada on April 20, 1941, the following statement was issued :

“Among other important matters, the President and the Prime Minister discussed measures by which the most prompt and effective utilization might be made of the productive facilities of North America for the purposes both of local and hemisphere defense and of the assistance which in addition to their own programs both Canada and the United States are rendering to Great Britain and the other democracies.

“It was agreed as a general principle that in mobilizing the resources of this continent each country should provide the other with the defense articles which it is best able to produce, and, above all, produce quickly, and that production programs should be coordinated to this end.

“While Canada has expanded its productive capacity manyfold since the beginning of the war, there are still numerous defense articles which it must obtain in the United States, and purchases of this character by Canada will be even greater in the coming year than in the past. On the other hand, there is existing and potential capacity in Canada for the speedy production of certain kinds of munitions, strategic materials, aluminum, and ships, which are urgently required by the United States for its own purposes.

“While exact estimates cannot yet be made, it is hoped that during the next 12 months Canada can supply the United States with between \$200,000,000 and \$300,000,000 worth of such defense articles. This sum is a small fraction of the total defense program of the United States, but many of the articles to be provided are of vital importance. In ad-

dition, it is of great importance to the economic and financial relations between the two countries that payment by the United States for these supplies will materially assist Canada in meeting part of the cost of Canadian defense purchases in the United States.

“Insofar as Canada’s defense purchases in the United States consist of component parts to be used in equipment and munitions which Canada is producing for Great Britain, it was also agreed that Great Britain will obtain these parts under the Lease-Lend Act and forward them to Canada for inclusion in the finished article.

“The technical and financial details will be worked out as soon as possible in accordance with the the general principles which have been agreed upon between the President and the Prime Minister.”

XLI. Proclamation in Connection With the War Between Bulgaria, and Yugoslavia and Greece

(Dept. of State Bulletin, Vol. IV, No. 96, April 26, 1941)

WHEREAS section 1 of the joint resolution of Congress approved November 4, 1939, provides in part as follows:

“That whenever the President, or the Congress by concurrent resolution, shall find that there exists a state of war between foreign states, and that it is necessary to promote the security or preserve the peace of the United States or to protect the lives of citizens of the United States, the President shall issue a proclamation naming the states involved; and he shall, from time to time, by proclamation, name other states as and when they may become involved in the war.”

AND WHEREAS it is further provided by section 13 of the said joint resolution that

“The President may, from time to time, promulgate such rules and regulations, not inconsistent with law, as may be necessary and proper to carry out any of the provisions of this joint resolution; and he may exercise any power or authority conferred on him by this joint resolution through such officer or officers, or agency or agencies, as he shall direct.”

Now, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, acting under and by virtue of the authority conferred on me by the said joint resolution, do hereby proclaim that, Bulgaria having without justification attacked Yugoslavia and Greece, a state of war exists between Bulgaria, on the one hand, and Yugoslavia

and Greece, on the other hand, and that it is necessary to promote the security and preserve the peace of the United States and to protect the lives of citizens of the United States.

And I do hereby enjoin upon all officers of the United States, charged with the execution of the laws thereof, the utmost diligence in preventing violations of the said joint resolution and in bringing to trial and punishment any offenders against the same.

And I do hereby delegate to the Secretary of State the power to exercise any power or authority conferred on me by the said joint resolution, as made effective by this my proclamation issued thereunder, which is not specifically delegated by Executive order to some other officer or agency of this Government, and the power to promulgate such rules and regulations not inconsistent with law as may be necessary and proper to carry out any of its provisions.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

Done at the City of Washington this 24th day
of April, in the year of our Lord
[SEAL] nineteen hundred and forty-one, and of
the Independence of the United States
of America the one hundred and sixty-fifth.

FRANKLIN D. ROOSEVELT

By the President:

CORDELL HULL,

Secretary of State.

XLII. Relations With the French Republic

STATEMENT BY THE PRESIDENT OF THE UNITED STATES

(Dept. of State Bulletin, Vol. IV, No. 99, May 17, 1941)

The policy of this Government in its relations with the French Republic has been based upon the terms of the armistice between Germany and France and upon recognition of certain clear limitations imposed upon the French Government by this armistice. Furthermore, we have had assurances given by the head of the French State on behalf of his Government that it did not intend to agree to any collaboration with Germany which went beyond the requirements of that armistice agreement. This was the least that could be expected of a France which demanded respect for its integrity.

The people of France, who cherish still the ideals of liberty and free institutions and guard that love of these priceless possessions in their minds and hearts, can be counted on to hold out for these principles until the moment comes for their reestablishment. It is inconceivable they will willingly accept any agreement for so-called "collaboration" which will in reality imply their alliance with a military power whose central and fundamental policy calls for the utter destruction of liberty, freedom, and popular institutions everywhere.

The people of the United States can hardly believe that the present Government of France could

be brought to lend itself to a plan of voluntary alliance implied or otherwise which would apparently deliver up France and its Colonial Empire, including French African colonies and their Atlantic coasts, with the menace which that involves to the peace and safety of the Western Hemisphere.

XLIII. Proclamation of Unlimited National Emergency

(Dept. of State Bulletin, Vol. IV, No. 101, May 31, 1941)

**BY THE PRESIDENT OF THE UNITED STATES OF
AMERICA**

WHEREAS on September 8, 1939 because of the outbreak of war in Europe a proclamation was issued declaring a limited national emergency and directing measures "for the purpose of strengthening our national defense within the limits of peacetime authorizations,"

WHEREAS a succession of events makes plain that the objectives of the Axis belligerents in such war are not confined to those avowed at its commencement, but include overthrow throughout the world of existing democratic order, and a worldwide domination of peoples and economies through the destruction of all resistance on land and sea and in the air, AND

WHEREAS indifference on the part of the United States to the increasing menace would be perilous, and common prudence requires that for the security of this nation and of this hemisphere we should pass from peacetime authorizations of military strength to such a basis as will enable us to cope instantly and decisively with any attempt at hostile encirclement of this hemisphere, or the establishment of any base for aggression against it, as well as to repel the threat of predatory incursion by foreign agents into our territory and society.

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, do proclaim that an unlimited national emergency confronts this country, which requires that its military, naval, air and civilian defenses be put on the basis of readiness to repel any and all acts or threats of aggression directed toward any part of the Western Hemisphere.

I call upon all the loyal citizens engaged in production for defense to give precedence to the needs of the nation to the end that a system of government that makes private enterprise possible may survive.

I call upon all our loyal workmen as well as employers to merge their lesser differences in the larger effort to insure the survival of the only kind of government which recognizes the rights of labor or of capital.

I call upon loyal state and local leaders and officials to cooperate with the civilian defense agencies of the United States to assure our internal security against foreign directed subversion and to put every community in order for maximum productive effort and minimum of waste and unnecessary frictions.

I call upon all loyal citizens to place the nation's needs first in mind and in action to the end that we may mobilize and have ready for instant defensive use all of the physical powers, all of the moral strength and all of the material resources of this nation.

IN WITNESS WHEREOF I have hereunto set my hand and caused the seal of the United States of America to be affixed.

DONE at the City of Washington this twenty-seventh day of May, in the year of our
[SEAL] Lord nineteen hundred and forty-one
and of the Independence of the United
States of America the one hundred and sixty-fifth.

FRANKLIN D ROOSEVELT

By the President:

CORDELL HULL,

Secretary of State

XLIV. Portuguese Islands in the Atlantic

(Dept. of State Bulletin, Vol. IV, No. 103, June 14, 1941)

The text of a note from the Secretary of State to the Minister of Portugal, Dr. João Antonio de Bianchi, dated June 10, 1941, follows:

SIR:

"I have the honor to acknowledge your communication of May 30, 1941 transmitting the observations of the Government of Portugal with respect to the references to the Portuguese Islands in the Atlantic made by the President in his address of May 27, 1941.

"I have carefully studied the observations of the Portuguese Government, and have noted the declarations reaffirming its position of neutrality and its determination to defend its neutrality and sovereign rights against any attack.

"For its part, the Government of the United States can state categorically that it harbors no aggressive intentions against the sovereignty or territorial integrity of any other country. The Government and people of the United States have sought to live in peace and friendship with all other nations, and have consistently supported the principle of non-aggression and non-intervention in the relations between states. This Government time and again has reiterated its support of this principle.

"Our policy today is based upon the inalienable right of self-defense. The Government of the United States can not but view with increasing anxiety the constantly expanding acts of aggression on the part of a certain belligerent power, which now threaten the peace and safety of the countries of this hemisphere.

"In referring to the Islands in the Atlantic it was the intention of the President to point out the dangers to this

hemisphere which would result if these Islands were to come under the control or occupation of forces pursuing a policy of world conquest and domination. The strategic importance of these Islands, because of their geographical location, was stressed by the President solely in terms of their potential value from the point of view of attack against this hemisphere.

“Accept [etc.]

CORDELL HULL”

XLV. Sinking of the S. S. "Robin Moor"

(Dept. of State Bulletin, Vol. IV, No. 104, June 21, 1941)

"To the Congress of the United States of America:

"I am under the necessity of bringing to the attention of the Congress the ruthless sinking by a German submarine on May 21 of an American ship, the Robin Moor, in the south Atlantic Ocean (25°40' West, 6°10' North) while the vessel was on the high seas en route to South Africa.

"According to the formal depositions of survivors the vessel was sunk within 30 minutes from the time of the first warning given by the Commander of the submarine to an officer of the Robin Moor.

"The submarine did not display its flag, and the Commander did not announce its nationality.

"The Robin Moor was sunk without provision for the safety of the passengers and crew.

"It was sunk despite the fact that its American nationality was admittedly known to the Commander of the submarine and that its nationality was likewise clearly indicated by the flag and other markings.

"The sinking of this American ship by a German submarine flagrantly violated the right of United States vessels freely to navigate the seas subject only to a belligerent right accepted under international law. This belligerent right, as is known to the German Government, does not include the right deliberately to sink a merchant vessel, leaving the passengers and crew to the mercies of the elements. On the contrary the belligerent is required to place the passengers and crew in places of safety.

"The passengers and crew of the Robin Moor were left afloat in small lifeboats from approximately two to three weeks when they were accidentally discovered and rescued by friendly vessels. This chance rescue does not lessen the brutality of casting the boats adrift in mid-ocean.

"The total disregard shown for the most elementary principles of international law and of humanity brands the sinking of the Robin Moor as the act of an international outlaw.

"The Government of the United States holds Germany responsible for the outrageous and indefensible sinking of the *Robin Moor*. Full reparation for the losses and damages suffered by American nationals will be expected from the German Government.

"Our Government believes that freedom from cruelty and inhuman treatment is a natural right. It is not a grace to be given or withheld at the will of those temporarily in a position to exert force over defenseless people.

"Were this incident capable of being regarded apart from a more general background, its implications might be less serious—but it must be interpreted in the light of a declared and actively pursued policy of frightfulness and intimidation which has been used by the German Reich as an instrument of international policy.

"The present leaders of the German Reich have not hesitated to engage in acts of cruelty and many other forms of terror against the innocent and the helpless in other countries, apparently in the belief that methods of terrorism will lead to a state of affairs permitting the German Reich to exact acquiescence from the nations victimized.

"This Government can only assume that the Government of the German Reich hopes through the commission of such infamous acts of cruelty to helpless and innocent men, women, and children to intimidate the United States and other nations into a course of non-resistance to German plans for universal conquest—a conquest based upon lawlessness and terror on land and piracy on the sea.

"Such methods are fully in keeping with the methods of terrorism hitherto employed by the present leaders of the German Reich in the policy which they have pursued toward many other nations subsequently victimized.

"The Government of the German Reich may however be assured that the United States will neither be intimidated nor will it acquiesce in the plans for world-domination which the present leaders of Germany may have.

"We are warranted in considering whether the case of the *Robin Moor* is not a step in a campaign against the United States analogous to campaigns against other nations. We cannot place reliance on official declarations to the contrary.

"Like statements, declarations, and even solemn pledges have been forthcoming in respect of many nations, commencing with the statement that the Government of the German Reich considered its territorial aspiration satisfied when it seized Austria by force. Evidence that the Government of the German Reich continues to plan further conquest and domination is convincing, and, indeed, scarcely disputed.

"Viewed in the light of the circumstances the sinking of the *Robin Moor* becomes a disclosure of policy as well as an example of method. Heretofore, lawless acts of violence have been preludes to schemes of land conquest. This one appears to be a first step in assertion of the supreme purpose of the German Reich to seize control of the high seas, the conquest of Great Britain being an indispensable part of that seizure.

"Its general purpose would appear to be to drive American commerce from the ocean wherever such commerce was considered a disadvantage to German designs; and its specific purpose would appear to be interruption of our trade with all friendly countries.

"We must take it that notice has now been served upon us that no American ship or cargo on any of the seven seas can consider itself immune from acts of piracy. Notice is served on us, in effect, that the German Reich proposes so to intimidate the United States that we would be dissuaded from carrying out our chosen policy of helping Britain to survive.

"In brief, we must take the sinking of the *Robin Moor* as a warning to the United States not to resist the Nazi movement of world conquest. It is a warning that the United States may use the high seas of the world only with Nazi consent.

"Were we to yield on this we would inevitably submit to world-domination at the hands of the present leaders of the German Reich.

"We are not yielding and we do not propose to yield.

FRANKLIN D ROOSEVELT"

"THE WHITE HOUSE,

"June 20, 1941."

XLVI. Closing of German and Italian Consulates in the United States

(Dept. of State Bulletin, Vol. IV, No. 104, June 21, 1941)

The following note from the Under Secretary of State, Mr. Sumner Welles, was sent to the German Chargé d’Affaires, Herr Hans Thomsen:

“JUNE 16, 1941.

“SIR:

“It has come to the knowledge of this Government that agencies of the German Reich in this country, including German consular establishment, have been engaged in activities wholly outside the scope of their legitimate duties. These activities have been of an improper and unwarranted character. They render the continued presence in the United States of those agencies and consular establishments inimical to the welfare of this country.

“I am directed by the President to request that the German Government remove from United States territory all German nationals in anywise connected with the German Library of Information in New York, the German Railway and Tourists Agencies, and the Trans-Ocean News Service, and that each of these organizations and their affiliates shall be promptly closed.

“I am also directed to request that all German consular officers, agents, clerks, and employees thereof of German nationality shall be removed from American territory and that the consular establishments likewise be promptly closed.

“It is contemplated that all such withdrawals and closures shall be effected before July 10.

“Accept [etc.]

For the Secretary of State:

SUMNER WELLES”

The following note has been sent by the Under Secretary of State, Mr. Sumner Welles, to the Italian Ambassador, Don Ascanio dei principi Colonna:

"JUNE 20, 1941.

"EXCELLENCY:

"I have the honor to inform Your Excellency that the President has directed me to request that the Italian Government promptly close all Italian consular establishments within United States territory and remove therefrom all Italian consular officers, agents, clerks, and employees of Italian nationality. In the opinion of the Government of the United States it is obvious that the continued functioning of Italian consular establishments in territory of the United States would serve no desirable purpose.

"I am likewise directed to request the closing of all agencies in this country connected with the Italian Government, together with the cessation of their activities, and, furthermore, the removal of all Italian nationals in any way connected with organizations of the Italian Government in the United States, with the exception of its duly accredited representation in Washington.

"It is contemplated that all such withdrawals and closures shall be effected before July 15, 1941.

"Accept [etc.]

For the Secretary of State:

SUMNER WELLES"

XLVII. U. S. Memorandum in Support of Uruguayan Proposal To Treat American Republics Engaged in War as Non-Belligerents

(Dept. of State Bulletin, Vol. V ; No. 106, July 5, 1941)

On July 2 the Government of Uruguay made public in Montevideo the following text of a memorandum handed by the Acting Secretary of State, Mr. Sumner Welles, to the Minister of Uruguay in Washington, Mr. J. Richling, on July 1, 1941:

"MEMORANDUM

"The Acting Secretary of State of the United States of America desires to inform His Excellency the Minister of Foreign Affairs of the Oriental Republic of Uruguay of the gratification with which the Government of the United States has learned of the views of the Government of Uruguay as communicated by Dr. Guani in his memorandum of June 21, 1941.

"The Government of Uruguay has once again lighted the way toward a constructive and practical cooperation between all of the American Republics at this moment which is more critical than any which has transpired since the achievement of their independence.

"A black night of fear and destruction and organized murder has engulfed almost all of Europe and a great part of the rest of the world. Aggression without comparison in history for its deliberately planned frightfulness has annihilated the independence of one country after another. The right inherent in every man and woman to worship God has been ruthlessly and methodically destroyed. The cultures of centuries, the cultures from which every one of the American nations has derived its own national inspiration have not only been temporarily blotted out but an endeavor is being made to extirpate them forever. No country anywhere, today, is secure from this unmasked lust for power and loot which has no limit but domination of the entire world.

"In view of this situation, the Government of Uruguay addresses itself to the other American Republics urging positive implementation of the policy of hemisphere solidarity already unanimously adopted by the American nations at previous inter-American conferences.

"Uruguay recalls that its great liberator Artigas, over a hundred years ago, recognized the common interests of the peoples of the Western Hemisphere and suggested the undertaking of an offer of reciprocal and mutual assistance. Uruguay recollects that during the World War of 1914-1918 it adopted, long before its general acceptance in this hemisphere, the policy that any act susceptible of affecting adversely the rights of any nation of the Americas should be considered as constituting an offense committed against all the American nations, and should bring about a uniform and common reaction.

"Pursuant to this policy, Uruguay declared in 1917 that it would not treat as a belligerent any American country which, in defense of its own rights, should find itself in a state of war with nations of other continents. Finally, Uruguay recalls that the policy of solidarity which it espoused twenty-five years ago has now been accepted by all the other American countries in a series of inter-American instruments and, therefore, inquires of the other American Republics, whether, in their judgment, the moment is not opportune to give new content and definition to the policy of inter-American solidarity.

"The Government of the United States welcomes the opportunity afforded by the initiative of the Government of Uruguay briefly to restate the policies which it is presently pursuing.

"In the first place, the Government of the United States has considered it axiomatic that the security of each of the American Republics was dependent upon the security of all. It was for this simple but basic reason that it wholeheartedly supported at Buenos Aires, Lima, Panamá, and Habana the several agreements to make inviolate the peace, security and territorial integrity of the Americas.

"In the second place, the President of the United States has frequently declared, the last time formally before the

chiefs of mission of the other American Republics in Washington on May 27 last, the unshakable determination of the United States to give aid to whatever extent and in whatever quantity may lie within its power, to countries prepared to resist the forces of aggression. The Congress has passed legislation to enable the transfer of equipment and supplies to such countries, and practical assistance on a stupendous scale is now being furnished.

"In pursuance of these two policies, the one of hemispheric solidarity, the other of aid to countries resisting aggression—but both of them with one end in view, namely, the security of the Western Hemisphere—the Government of the United States has offered and extended cooperative assistance of various types to the other American Republics. The economic and financial resources of the United States, the naval and air base facilities acquired from Great Britain and from Denmark, and military and naval matériel, have been made available to all the American Republics on the fullest cooperative basis for the common defense of the New World.

"Equally significant of the desire and purpose of the United States to afford the greatest possible opportunity for realizing to the full the principle of hemispheric solidarity and defense, there was incorporated in the Neutrality Act of 1939 a provision excepting, subject to certain conditions not here important, American states from the operation of the act when engaged in war against a non-American state or states.

"The safety of the Americas hangs in the balance today. Constructive and far-sighted action now on the part of all the American Republics acting together will ensure the preservation for future generations of those liberties and other blessings which our forefathers so laboriously gained.

"The Government of the United States welcomes and wholeheartedly supports the present initiative of the Government of Uruguay, and earnestly hopes that it may secure the common approval of the Governments of all the American Republics.

"DEPARTMENT OF STATE,

"Washington, July 1, 1941."

XLVIII. Defense of Iceland by United States Forces

(Dept. of State Bulletin, Vol. V, No. 107, July 12, 1941.)

Following is the text of President Roosevelt's message to Congress, announcing occupation of Iceland by United States forces, together with the texts of the message from the Prime Minister of Iceland inviting such action, and of Mr. Roosevelt's reply:

Message to Congress

I am transmitting herewith for the information of the Congress a message I received from the Prime Minister of Iceland on July 1, and the reply I addressed on the same day to the Prime Minister of Iceland in response to this message.

In accordance with the understanding so reached, forces of the United States Navy have today arrived in Iceland in order to supplement, and eventually to replace, the British forces which have until now been stationed in Iceland in order to insure the adequate defense of that country.

As I stated in my message to the Congress of Sept. 3 last regarding the acquisition of certain naval and air bases from Great Britain in exchange for certain over-age destroyers, considerations of safety from overseas attack are fundamental.

The United States cannot permit the occupation by Germany of strategic outposts in the Atlantic to be used as air or naval bases for eventual attack against the Western Hemisphere. We have no desire to see any change in the present sovereignty of those regions.

Assurance that such outposts in our defense frontier remain in friendly hands is the very foundation of our national security and of the national security of every one of the independent nations of the New World.

For the same reason substantial forces of the United States have now been sent to the bases acquired last year from Great Britain in Trinidad and in British Guiana, in the south, in order to forestall any pincers movement undertaken by Germany against the Western Hemisphere. It is essential that Germany should not be able successfully to employ such tactics through sudden seizure of strategic points in the South Atlantic and in the North Atlantic.

The occupation of Iceland by Germany would constitute a serious threat in three dimensions:

The threat against Greenland and the northern portion of the North American continent, including the islands which lie off it.

The threat against all shipping in the North Atlantic.

The threat against the steady flow of munitions to Britain—which is a matter of broad policy clearly approved by the Congress.

It is, therefore, imperative that the approaches between the Americas and those strategic outposts, the safety of which this country regards as essential to its national security and which it must therefore defend, shall remain open and free from all hostile activity or threat thereof.

As Commander-in-Chief I have consequently issued orders to the Navy that all necessary steps be taken to insure the safety of communications in the approaches between Iceland and the United States, as well as on the seas between the United States and all other strategic outposts.

This government will insure the adequate defense of Iceland with full recognition of the independence of Iceland as a sovereign state.

In my message to the Prime Minister of Iceland I have given the people of Iceland the assurance that the American forces sent there would in no way interfere with the internal and domestic affairs of that country, and that immediately upon the termination of the present international emergency all American forces will be at once withdrawn, leaving the people of Iceland and their government in full and sovereign control of their own territory.

Prime Minister's Message

In a conversation of June 24, the British Minister explained that British forces in Iceland are required elsewhere. At the same time he stressed the immense importance of adequate defense of Iceland. He also called my attention to the declaration of the President of the United States to the effect that he must take all necessary measures to insure the safety of the Western Hemisphere—one of the President's measures is to assist in the defense of Iceland—and that the President is therefore prepared to send here immediately United States troops to supplement and eventually to replace the British force here. But that he does not consider that he can take this course except at the invitation of the Iceland Government.

After careful consideration of all circumstances the Iceland Government, in view of the present state of affairs, admit that this measure is in accordance with the interest of Iceland, and therefore are ready to entrust the protection of Iceland to United States on the following conditions:

1. United States promise to withdraw all their military forces land, air and sea from Iceland immediately on conclusion of present war.

2. United States further promise to recognize the absolute independence and sovereignty of Iceland and to exercise their best efforts with those Powers which will negotiate the peace treaty at the conclusion of the present war in order that such treaty shall likewise recognize the absolute independence and sovereignty of Iceland.

3. United States promise not to interfere with Government of Iceland neither while their armed forces remain in this country nor afterward.

Picked Troops Requested

4. United States promise to organize the defense of the country in such a way as to insure the greatest possible safety for the inhabitants themselves and to assure that they suffer minimum disturbance from military activities; these activities being carried out in consultation with Iceland authorities as far as possible. Also because of small popula-

tion of Iceland and consequent danger to nation from presence of a numerous army, great care must be taken that only picked troops are sent here. Military authorities should be also instructed to keep in mind that Icelanders have been unarmed for centuries and are entirely unaccustomed to military discipline, and conduct of troops toward the inhabitants of the country should be ordered accordingly.

5. United States undertake defense of the country without expense to Iceland and promise compensation for all damage occasioned to the inhabitants by their military activities.

6. United States promise to further interests of Iceland in every way in their power, including that of supplying the country with sufficient necessities, of securing necessary shipping to and from the country and of making in other respects favorable commercial and trade agreements with it.

7. Iceland Government expects that declaration made by President in this connection will be in agreement with these promises on part of Iceland, and Government would much appreciate its being given the opportunity of being cognizant with word of this declaration before it is published.

8. On part of Iceland, it is considered obvious that if United States undertake defense of the country it must be strong enough to meet every eventuality and particularly in the beginning it is expected that as far as possible effort will be made to prevent any special danger in connection with change-over. Iceland Government lays special stress on there being sufficient airplanes for defensive purposes wherever they are required and they can be used as soon as decision is made for United States to undertake the defense of the country.

This decision is made on the part of Iceland as an absolutely free and sovereign state and it is considered as a matter of course that the United States will from the beginning recognize this legal status of the country, both states immediately exchanging diplomatic representatives.

The President's Reply

I have received your message in which you have informed me that after careful consideration of all the circumstances

the Iceland Government, in view of the present state of affairs, admits that the sending to Iceland of United States troops to supplement and eventually to replace the present British forces there would be in accordance with the interests of Iceland and that, therefore, the Iceland Government is ready to entrust the protection of Iceland to the United States on the following considerations:

[At this point the message repeated verbatim the eight conditions set forth in the message of the Prime Minister.]

You further state that this decision is made on the part of Iceland as an absolutely free and sovereign State and that it is considered as a matter of course that the United States will from the beginning recognize the legal status of Iceland, both States immediately exchanging diplomatic representatives.

I take measure in confirming to you hereby that the conditions set forth in your communication now under acknowledgment are fully acceptable to the Government of the United States and that these conditions will be observed in the relations between the United States and Iceland. I may further say that it will give me pleasure to request of the Congress its agreement in order that diplomatic representatives may be exchanged between our two countries.

It is the announced policy of the Government of the United States to undertake to join with the other nations of the Western Hemisphere in the defense of the New World against any attempt of aggression. In the opinion of this Government, it is imperative that the integrity and independence of Iceland should be preserved because of the fact that any occupation of Iceland by a power whose only too clearly apparent plans for world conquest include the domination of the peoples of the New World would at once directly menace the security of the entire Western Hemisphere.

It is for that reason that in response to your message, the Government of the United States will send immediately troops to supplement and eventually to replace the British forces now there.

The steps so taken by the Government of the United States are taken in full recognition of the sovereignty and independ-

ence of Iceland and with the clear understanding that American military or naval forces sent to Iceland will in no wise interfere in the slightest degree with the internal and domestic affairs of the Icelandic people; and with the further understanding that immediately upon the termination of the present international emergency, all such military and naval forces will be at once withdrawn, leaving the people of Iceland and their government in full sovereign control of their own territory.

The people of Iceland hold a proud position among the democracies of the world, with a historic tradition of freedom and individual liberty which is more than a thousand years old. It is, therefore, all the more appropriate that in response to your message, the Government of the United States, while undertaking this defensive measure for the preservation of the independence and security of the democracies of the New World should at the same time be afforded the privilege of cooperating in this manner with our government in the defense of the historic democracy of Iceland.

I am communicating this message, for their information, to the governments of all of the other nations of the Western Hemisphere.

XLIX. The Proclaimed List of Certain Blocked Nationals

(Dept. of State Bulletin, Vol. V, No. 108, July 19, 1941)

A Proclamation

I, FRANKLIN D. ROOSEVELT, President of the United States of America, acting under and by virtue of the authority vested in me by Section 5 (b) of the Act of October 6, 1917 (40 Stat. 415) as amended and Section 6 of the Act of July 2, 1940 (54 Stat. 714) as amended and by virtue of all other authority vested in me, and by virtue of the existence of a period of unlimited national emergency and finding that this Proclamation is necessary in the interest of national defense, do hereby order and proclaim the following:

SECTION 1. The Secretary of State, acting in conjunction with the Secretary of the Treasury, the Attorney General, the Secretary of Commerce, the Administrator of Export Control, and the Coordinator of Commercial and Cultural Relations Between the American Republics, shall from time to time cause to be prepared an appropriate list of

(a) certain persons deemed to be, or to have been acting or purporting to act, directly or indirectly, for the benefit of, or under the direction of, or under the jurisdiction of, or on behalf of, or in collaboration with Germany or Italy or a national thereof; and

(b) certain persons to whom, or on whose behalf, or for whose account, the exportation directly or indirectly of any article or material exported from the United States, is deemed to be detrimental to the interest of national defense.

In similar manner and in the interest of national defense, additions to and deletions from such list shall be made from

time to time. Such list and any additions thereto or deletions therefrom shall be filed pursuant to the provisions of the Federal Register Act and such list shall be known as "The Proclaimed List of Certain Blocked Nationals."

SECTION 2. Any person, so long as his name appears in such list, shall, for the purpose of Section 5 (b) of the Act of October 6, 1917, as amended, and for the purpose of this Proclamation, be deemed to be a national of a foreign country, and shall be treated for all purposes under Executive Order No. 8389, as amended, as though he were a national of Germany or Italy. All the terms and provisions of Executive Order No. 8389, as amended, shall be applicable to any such person so long as his name appears in such list, and to any property in which any such person has or has had an interest, to the same extent that such terms and provisions are applicable to nationals of Germany or Italy, and to property in which nationals of Germany or Italy have or have had an interest.

SECTION 3. The exportation from the United States directly or indirectly to, or on behalf of, or for the account of any person, so long as his name appears on such list, of any article or material the exportation of which is prohibited or curtailed by any proclamation heretofore or hereafter issued under the authority of Section 6 of the Act of July 2, 1940, as amended, or of any other military equipment or munitions, or component parts thereof, or machinery, tools, or material, or supplies necessary for the manufacture, servicing, or operation thereof, is hereby prohibited under Section 6 of the Act of July 2, 1940, as amended, except (1) when authorized in each case by a license as provided for in Proclamation No. 2413 of July 2, 1940, or in Proclamation No. 2465 of March 4, 1941, as the case may be, and (2) when the Administrator of Export Control under my direction has determined that such prohibition of exportation would work an unusual hardship on American interests.

SECTION 4. The term "person" as used herein means an individual, partnership, association, corporation or other organization.

The term "United States" as used herein means the United States and any place subject to the jurisdiction thereof, in-

cluding the Philippine Islands, the Canal Zone, and the District of Columbia and any other territory, dependency or possession of the United States.

SECTION 5. Nothing herein contained shall be deemed in any manner to limit or restrict the provisions of the said Executive Order No. 8389, as amended, or the authority vested thereby in the Secretary of the Treasury and the Attorney General. So far as the said Executive Order No. 8389, as amended, is concerned, "The Proclaimed List of Certain Blocked Nationals," authorized by this Proclamation, is merely a list of certain persons with respect to whom and with respect to whose property interests the public is specifically put on notice that the provisions of such Executive Order are applicable; and the fact that any person is not named in such list shall in no wise be deemed to mean that such person is not a national of a foreign country designated in such order, within the meaning thereof, or to affect in any manner the application of such order to such person or to the property interests of such person.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this 17th day of
July, in the year of our Lord nineteen
[SEAL] hundred and forty-one, and of the Inde-
pendence of the United States of
America the one hundred and sixty-sixth.

FRANKLIN D ROOSEVELT

By the President:

SUMNER WELLES,

Acting Secretary of State.

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